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JOURNAL

OF

THE COUNCIL

OF

THE TERRITORY OF OREGON:

DURING THE

FOURTH REGULAR SESSION OF THE LEGISLATIVE ASSEMBLY,

BEGUN AND HELD

AT SALEM, DECEMBER 6, 1852,

In the seventy-seventh year of the Independence of the United States.

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JOURNAL OF THE COUNCIL.

THE fourth regular session of the Council of the Legislative Assembly of the Territory of Oregon, begun and holden at Salem, the sixth day of December, in the year of our Lord one thousand eight hundred and fifty-two, being the first Monday in December; the day fixed by law, for the meeting of the Legislative Assembly of said Territory.

The Hon. M. P. Deady, Councilman from Yamhill, and President of the Council, appeared, took the chair, and called the Council to order, at 11 o'clock A. M.

Whereupon, Chester N. Terry, Chief Clerk, A. B. P. Wood, Assistant Clerk, and Septimus Huelat, Sergeant-at-Arms, appeared and entered upon the discharge of the duties of their respective offices.

The following Councilmen appeared and took their seats, to-wit:

From the county of Marion—Joseph M. Garrison.

From the county of Polk—Frederick Waymire.

From the counties of Umpqua, Douglas, and Jackson—Levi Scott.

Absent—

From the county of Washington—Lawrence Hall.

From the county of Clackamas—A. L. Lovejoy.

From the county of Linn—Lucius W. Phelps.

From the counties of Benton and Lane—A. L. Humphrey.

And there not being a quorum of Councilmen present,

On motion of Mr. Waymire,

The Council adjourned until 10 A. M., to-morrow.

TUESDAY, DEC. 7, 1852, 10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Messrs. Humphrey and Phelps.

The journal of yesterday was read, corrected, and approved.

George H. Nelson, Door-keeper, gave his attendance and entered upon the discharge of the duties of his office.

On motion of Mr. Lovejoy,

The Council adjourned until 10 A. M., to-morrow.

WEDNESDAY, DEC. 8, 1852, 10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Messrs. Humphrey and Phelps.

The journal of yesterday was read and approved.

A message from the House of Representatives, by Mr. White, their clerk:

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives, to inform you that the House has been called to order and is now ready for business.

Mr. Hall introduced the following resolution, (C. R. No. 1):

Resolved, That the House of Representatives be informed that the Council are now organized and ready to proceed to business.

Which resolution was read and adopted.

On motion of Mr. Waymire,—

The Council proceeded to the election of an Enrolling Clerk; Messrs. Scott and Lovejoy acting as tellers.

The votes having been counted, it appearing that Robert D. H. Yeckley, having received a majority of all the votes cast, he was declared duly elected.

The Enrolling Clerk was here duly qualified and entered upon the duties of his office.

Mr. Lovejoy introduced the following resolution, (C. J. R. No. 2):

WHEREAS, a general geological reconnoissance has been made by Dr. Evans, United States Geologist for Oregon, showing the existence of extensive beds of limestone, coal, and other useful and valuable minerals, as also serving to develop the agricultural interests of this Territory, by a collection and analysis of its various soils: therefore,

Resolved by the House, the Council concurring, That our Delegate in Congress be and he is hereby instructed to use his influence with

the Congress of the United States to procure an appropriation to continue in detail the geological survey already commenced in this Territory.

Which resolution was read and adopted.

Mr. Waymire presented the report of the Territorial Treasurer;

Which was read, and,

On motion of Mr. Lovejoy,

Laid upon the table.

Mr. Waymire introduced the following resolution, (C. J. R. No. 2):

Resolved by the Legislative Assembly of the Territory of Oregon, That the Secretary of this Territory be and hereby is requested to report to the Legislative Assembly, at an early day, the number of volumes of the local laws and journals, and the general laws of the session of 1850 and 1851, which were received by him from the Public Printer, and what disposition the Secretary has since made of said laws and journals.

Which resolution was read and adopted.

Mr. Waymire introduced the following resolution, (C. J. R. No. 4):

Resolved by the Legislative Assembly of the Territory of Oregon, That the Governor of the Territory be and hereby is requested to report to the Legislative Assembly, at an early day, the amount of money by him received and expended for the purchase of books for the Territorial Library, together with a catalogue of the books purchased by him, and the amount of money remaining on hand, unexpended, if any, and what disposition he has since made of the books so purchased.

Which resolution was read and adopted.

On motion of Mr. Lovejoy,

A committee of three were appointed to draft rules for the government of the Council.

Messrs. Lovejoy, Garrison and Hall were appointed said committee.

Mr. Lovejoy, from the committee to draft joint rules, reported the following:

The committe on joint rules respectfully report, for the government of the two Houses, the joint rules of the sessions of 1851–52, with an amendment to the eleventh rule:

No bill which shall have passed one House shall be sent for concurrence to the other, on either of the last two days of the session.

Which was read and,

On motion of Mr. Garrison,

Adopted.

JOINT RULES OF BOTH HOUSES.

RULE 1. While bills or joint resolutions are on their passage between the two Houses, they shall be on paper under the signatures of their clerks respectively.

RULE 2. After a bill or joint resolution shall have passed both Houses, it shall be duly enrolled on paper, and the clerk of the House where it originated, shall endorse on the back thereof, the House in which it originated, under which he shall place his signature.

RULE 3. Every bill or joint resolution, after being enrolled, shall be examined by the joint committee on enrolled bills, consisting of at least two members from each House, who shall compare the same with the engrossed bills, and correct any errors they may discover, so as to make it agree therewith, and make their report forthwith to their respective Houses.

RULE 4. Every bill or joint resolution reported to have been duly enrolled, shall be first signed by the Speaker of the House of Representatives, who shall send the same to the Council, then by the President of the Council.

RULE 5. All bills and joint resolutions shall be signed by the Speaker of the House of Representatives and President of the Council, in their Houses respectively, when in session, which shall be carefully noted on the journals of each House.

RULE 6. When any paper or papers, proper to be acted upon by both Houses, shall come before either, the House before which such paper or papers are laid, shall, after acting thereupon, lay it or them before the other House.

RULE 7. In case of disagreement between the two Houses, after passing the usual formalities, each shall appoint, at the request of the other, two members, to act as a committee of conference, which committee shall meet, endeavor to compromise the matter in dispute, and report to each House their proceedings thereon.

RULE 8. In all cases where the Sergeant-at-Arms of either House, by reason of official engagements, or other causes, be unable to execute the commands, or process, of the House of which he is an officer, it shall be the duty of the Sergeant-at-Arms of the other House, to execute such commands, together with such process as may be directed to him by the presiding officer thereof.

RULE 9. When a message is sent to the Council or House of Representatives, it shall be announced at the door by the Sergeant-at-Arms, or Door-keeper, and shall be respectfully communicated to the chair by the person by whom sent.

RULE 10. Messages shall be sent by such officers of the Council or House, as the President of the Council, or the Speaker of the House of Representatives may designate for that purpose.

RULE 11. No bill which shall have passed one House, shall be sent for concurrence to the other on the last two days of the session.

RULE 12. The President of the Council and the Speaker of the

House, shall cause the Chief Clerk of each House to number the bills originating in their respective Houses.

Mr. Garrison introduced the following resolution, (C. R. No. 2):

Resolved, That the clerk of the Council be instructed to subscribe for the public newspapers published in this Territory, for the use of each member of the Council, during the present session.

Which resolution was read and adopted.

Mr. Lovejoy introduced the following resolution, (C. R. No. 3):

Resolved by the Council, That each public journal in this Territory, be allowed a seat within the bar, for the purpose of reporting the proceedings of the Council, to be designated by the President.

Which resolution was read and,

On motion of Mr. Hall,

Adopted.

Mr. Hall introduced the following resolution, (C. J. R. No. 4):

Resolved by the Council, the House of Representatives concurring, That a committee of two on the part of the Council be appointed, to join such committee as may be appointed by the House, to select and report to the Legislative Assembly such laws as they may consider now in force, or applicable to, or composing any part of the laws of Oregon, as contained in the Iowa Statute.

Which was read and,

On motion of Mr. Hall,

The resolution was laid on the table.

Mr. Garrison gave notice that on to-morrow, or some subsequent day of the session, he would introduce a bill in relation to estrays.

Mr. Waymire introduced the following resolution, (C. J. R., No. 5):

Resolved by the Legislative Assembly of the Territory of Oregon, That the present Territorial Librarian be and hereby is instructed to report to the Legislative Assembly, at an early day, a catalogue of the books by him received, and from whom, a catalogue of the books now in the library, together with such information upon the condition of the books, now and at the time of reception by him, as he may be able to furnish.

Which resolution was read and,

On motion of Mr. Garrison,

Adopted.

Mr. Waymire gave notice that on Friday next, or some subsequent day of the session, he would introduce a bill for the relief of Polk county.

Mr. Hall gave notice that on to-morrow, or some subsequent day of

the session, he would introduce a bill for the relief of Abraham Sulger, of Washington county.

On motion of Mr. Waymire,

The Council adjourned until 2 P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you, that the House have adopted the accompanying resolution, and it is herewith transmitted to the Council and concurrence requested.

(Joint H. R. No. 1):

WHEREAS, Thursday the 9th inst., has been recommended to the people of this Territory, by proclamation of the Executive, to be set apart and religiously observed as a day of general thanksgiving; therefore,

Be it resolved, the Council concurring, That when the Legislative Assembly adjourns to day, it adjourns to meet on Friday morning, the 10th inst., at 10 o'clock.

Which resolution was read and,

On motion of Mr. Hall,

Adopted.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you, that the accompanying resolution, (C. R. No. 7) has been concurred in.

Mr. Lovejoy gave notice that on Friday next, or some subsequent day of the session, he would introduce a bill on statute limitations of personal actions.

On motion of Mr. Hall,

The Council adjourned.

FRIDAY, DEC. 10, 1852, 10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Messrs. Garrison and Phelps.

The journal was read and approved.

Mr. Humphrey presented the petition of Samuel F. Starr and others, asking for relief;

Which was read and,

On motion of Mr. Humphrey,

Referred to the committee on roads and highways.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you, that the House have adopted the accompanying resolution (C. R. No. 2,) requesting the Secretary of the Territory to report to the Legislative Assembly the number of the copies of the general and local laws, and journals received from the printer, and what disposition has been made of them. C. J. R. No. 3, requesting the Governor to report, at an early day, to the Legislative Assembly, the state of the Territorial library, and they are herewith transmitted to the Council, where they originated, for enrollment.

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you, that the House have adopted the report of the committee on joint rules for the government of both Houses.

Mr. Hall, on leave, introduced a bill,

C. B. No. 1; Entitled a bill for the relief of Abraham Sulger;

Which was read the first time.

On motion of Mr. Waymire,

The Council adjourned until 2 P. M.

AFTERNOON SESSION.—2 P. M.

The Council met pursuant to adjournment.

Mr. Lovejoy, from the committee to draft rules for the government of the Council, reported the following, to-wit:

The special committee, to whom the revision of the rules for the government of the Council was referred, beg leave to make the following report:

Your committee would recommend the rules of the past session, with the following amendment to the 17th Rule:

And the clerk is hereby directed to have twenty-five copies of each bill printed, for the use of the Council.

On motion of Mr. Lovejoy,

The report of the committee on rules was accepted.

Mr. Waymire offered the following amendment to the rules as reported by the committee:

Strike out Rule 26th and insert the following:

On the final passage of every bill or law, the yeas and nays shall be taken, unless otherwise ordered.

Which was read, and the yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are:

Messrs. Garrison, Waymire, and Mr. President—3.

Those who voted in the negative are:

Messrs. Humphrey, Hall, Lovejoy, and Scott—4.

Absent—Mr. Phelps.

So the amendment was not agreed to.

On motion,

The following amendment to the amendment of the committee on rules, was offered as follows:

1. After the word "bill," insert resolutions and reports of select and standing committees.

2. After the word "clerk," upon the first reading.

On motion of Mr. Lovejoy,

The report of the committee amendment as amended, was adopted.

RULES AND ORDERS.

RULE 1. The President shall take the chair precisely at the hour to which the Council shall have previously adjourned, and, on the appearance of a quorum, shall call the Council to order, and cause the journal of the preceding day to be read; but a smaller number may adjourn from day to day, and compel the attendance of absent members, and any two members, at any time after the hour has arrived to which the Council have adjourned, may have a call of the Council, and have the names of the absentees entered upon the journal.

RULE 2. It shall be the duty of the President to preserve order, and may speak on all questions of order in preference to any other member, rising from his seat for that purpose, and shall decide on all questions of order, subject to an appeal to the Council.

RULE 3. All questions shall be put in this form: "You who are of opinion, (as the case may be), say *aye*, of the contrary opinion say *no*;" and in doubtful cases the President may direct, or any member may call for a division.

RULE 4. All committees shall be nominated by the President, unless otherwise desired by the Council, in which case they shall be appointed by ballot.

RULE 5. Every member, when a question is taken, shall vote, unless the Council, for special reasons, excuse him.

RULE 6. Every motion shall be reduced to writing, if the President or any member shall require it.

RULE 7. A motion to adjourn shall always be in order, unless a

member is speaking, and shall be decided without debate; and no member shall leave his seat after a question of adjournment is put, until the same shall be declared to be a vote by the President, nor until the President shall have left the chair.

RULE 8. When a member is about to speak, he shall rise and respectfully address himself to the President; and when a member is speaking, no member shall pass between him and the chair.

RULE 9. The President shall preserve decorum, and if any member transgress the rules of the Council, the President shall, or any member may call to order, in which case the member called to order, shall immediately sit down, unless permitted to explain, and the Council, if appealed to, shall decide the case.

RULE 10. No member shall speak more than twice on any one question without leave of the Council.

RULE 11. When a motion is made and seconded, it shall be stated by the President, or, being in writing, it shall be handed to the chair, and read aloud by the President or Clerk before debated.

RULE 12. After a motion is stated by the President, or read by the Clerk, it shall be deemed to be in possession of the Council; but may be withdrawn at any time before a decision or amendment, by consent of the Council.

RULE 13. While a question is before the Council, no motion shall be received, unless for amendment, for the previous question, or for postponing the main question, or to commit it, or adjourn.

RULE 14. The previous question shall be put in the words, "Shall the main question now be put?" It shall be admitted only on demand of two members, and sustained by a vote of two thirds of the Council; and, until decided, shall preclude all amendments, and, on debate, the main question.

RULE 15. Any member may call for a division of the question, when the same shall admit of it.

RULE 16. No committee shall sit during the sitting of the Council, without special leave.

RULE 17. The first reading of a bill shall be for information, and if objections be made to it, the question shall be, "Shall the bill be rejected?" If no objection be made, or if the question to reject be lost, the bill shall go its second reading without a question; and the clerk, upon the first reading, is hereby directed to have twenty-five copies of each bill, resolution, and report of select and standing committees, printed.

RULE 18. Upon the second reading of a bill, the President shall state, "It is ready for commitment or engrossment;" and if committed, then the question shall be, "Whether to a standing or select committee, or committee of the whole?" and the Council shall determine on what day; but if the bill be ordered to be engrossed, the Council shall appoint a day to be read a third time.

RULE 19. A bill, after commitment or report thereof, may be re-committed at any time before its passage.

RULE 20. In forming a committee of the whole, the President

shall leave the chair, and may appoint any member as chairman to preside.

RULE 21. The President may at any time leave the chair and call any member of the Council thereto, who shall be President of the Council for the time being; and the President shall at pleasure resume the chair; and if the person called to the chair object, and the President insist, the question shall be decided by the Council.

RULE 22. When any motion is made for amendment of any bill or resolution, the mover's name shall be inserted in the journal.

RULE 23. The rules of the proceedings of the Council shall be observed in the committee of the whole, so far as they may be applicable.

RULE 24. No member shall be permitted to vote on any subject in which he has a direct pecuniary interest.

RULE 25. No member in the minority of any vote declared shall have a right to move a reconsideration thereof.

RULE 26. No member shall call for the yeas and nays on any question, after the same has been declared to be a vote by the President.

RULE 27. When any petition, memorial, or remonstrance, is presented to the Council, the person presenting the same shall give a concise statement of the purport thereof, and shall be disposed of according to its character, without reading, unless the reading thereof is required by two members.

RULE 28. No bill shall pass the Council until a third reading, nor shall any bill be read more than once in one day, unless otherwise directed by the Council.

RULE 29. If two or more members happen to rise at once, the President shall name the person who is to speak first.

RULE 30. No standing rule of the council shall be revised or amended without one day's notice being given thereof.

RULE 31. No member shall absent himself from the service of the Council without leave is first obtained; and in case a less number than a quorum of the Council shall convene, they are hereby authorized to send the Door-keeper, or any person or persons by them authorized, for any absent member or members, as the majority of such members present shall agree, at the expense of such absent member or member, respectively, unless such excuse for non-attendance shall be made, as the Council, when a quorum is convened, shall deem sufficient.

RULE 32. It shall be the duty of the Door-keeper to keep order in the lobby, and to obey orders of the Council from time to time.

RULE 33. It shall be the duty of the Chief Clerk to keep an exact journal of the proceedings of the Council, and shall, from time to time, be subject to such further orders as the Council may direct.

RULE 34. No persons, except the members of the House of Representatives, their Clerk, the Governor, Secretary of State, judges of the supreme and circuit courts, attorney generals, and mem-

bers of Congress, shall be admitted within the bar of the Council during the sittings of the same, unless invited by a member.

RULE 35. On the discussion of any business which may, in the opinion of a member, require secrecy, the President shall order the lobby to be cleared, and during the discussion of such motion, the doors shall remain shut, unless otherwise directed by the Council.

RULE 36. Any member voting in the minority on any subject, and protesting against the vote of the Council, may have his protest entered on the journal, if the language and tenor of such protest would have been admissible in the discussion of the subject.

RULE 37. The following method shall be the order or rule of doing business in the Council, to wit:

Petitions, memorials, and remonstrances.
Reports from standing committees.
Reports from select committees.
Propositions and motions.
Second reading of bills, &c.
Engrossed bills read a third time.
Bills, reports, and other business lying on the table.
Bills and other business from the House.
Other business of the Council.
The orders of the day.

On motion of Mr. Lovejoy,

Ordered, That twenty-five copies of the rules and orders of the Council, and twenty-five copies of the joint rules, to be appended to the standing rules, be printed for the use of the Council.

Mr. Lovejoy, according to previous notice, introduced a bill—
C. B. No. 2. A bill concerning the limitation of personal actions;
Which was read the first time.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have, in concurrence with the Council, passed the accompanying resolution, (C. R. No. 1,) in regard to the geological survey of the Territory of Oregon, and is herewith transmitted to the Council, where it originated, for enrollment.

On motion of Mr. Lovejoy,
The Council adjourned until 10 o'clock, A. M., to-morrow.

SATURDAY, DEC. 11, 1852—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Hall, Lovejoy, Scott, and Mr. President.

Absent—Messrs. Humphey, Phelps, and Waymire.

The journal of yesterday was read, corrected, and approved.

Mr. Deady presented the petition of E. Horner and others, praying for a change of the south line of Yamhill county;

Which was read, and,

On motion of Mr. Waymire,

Referred to the committee on counties.

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was read the second time, and,

On motion of Mr. Garrison,

Was referred to a committee of the whole for Monday next.

Mr. Waymire introduced the following resolution (C. R. No. 4):

WHEREAS, the Secretary of this Territory has failed to procure a room for the use of the enrolling clerk, and committees of the Council: therefore,

Be it resolved by the Council, That the sergeant-at-arms be and is hereby authorized and requested to procure said rooms.

Mr. Garrison moved that C. R. No. 4 be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are:

Messrs. Garrison, Humphrey, Lovejoy, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are:

Mr. Hall—1.

So the resolution (C. R. No. 4) was agreed to.

On motion of Mr. Garrison,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have adopted the ac-

companying resolution, (H. J. R. No. 2,) and the concurrence of the Council is requested:

Resolved by the House, the Council concurring, That a committee of three on the part of each be and the same are hereby appointed, whose duty it shall be to collect all the statutory laws, and parts of laws of this Territory, that are now in force, to revise and report the same to this Assembly, by bill or otherwise, at as early a day as practicable.

Which resolution was read and laid upon the table.

Mr. Waymire, according to previous notice, introduced a bill:

C. B. No. 3. An act entitled an act for the relief of Polk county;

Which was read a first time.

Mr. Waymire introduced the following resolution (C. J. R. No. 6):

Resolved by the Council, the House concurring, That a committee of two be appointed by the Council, to act with a like committee of the House, to examine the act authorizing Sylvester Hall and John B. Hall to open and keep in repair a wagon road from the eastern base of the Cascade Mountains to Philip Foster's, at the western base of said mountains, to ascertain if said road has been opened and kept in such a state of repair as the act requires to warrant the collection of the amount of toll therein awarded; and that said committee is hereby authorized to send for men and papers, to ascertain all the facts necessary to be investigated; and that said committee report to their respective Houses the facts, with such recommendations as may seem proper.

Mr. Garrison moved that C. J. R. No. 6 be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are:

Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

In the negative—none.

The President appointed Messrs. Waymire and Lovejoy as committee, in accordance with C. R. No. 6.

So the resolution (C. J. R. No. 6) was adopted.

Mr. Lovejoy offerred the following report of the sergeant-at-arms, to wit:

The sergeat-at-arms reports to the Council that, in pursuance of a resolution of the Council, he called upon the Secretary, to inquire concerning the room at the right of the stairs, immediately opposite the Council Chamber, and was informed by him, and requested to

report, that room was appropriated for the use of committees and enroling clerks, and at their disposal, and for the custody of the public documents and archives of the Territory in his charge; and if additional rooms are required, they will be furnished, and that there is a desk now prepared for the use of the enrolling clerks in that room.

Which report was read, and,
On motion of Mr. Waymire,
Adopted.

Mr. Hall moved to take from the table H. J. R. No. 2. in relation to the laws;
Which was not agreed to.

Mr. Lovejoy, from the committee on enrolled bills, reported the following resolutions as truly enrolled:

C. R. No. 1. In regard to subscribing for the papers in this Territory.
C. R. No. 2. In regard to reporters.
C. R. No. 4. In regard to the committee rooms.

On motion of Mr. Waymire,
The Council adjourned until Monday next, at 10, A. M.

MONDAY, DEC. 13, 1852—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Hall, Lovejoy, Waymire, and Mr. President.
Absent—Messrs. Humphrey, Phelps, and Scott.
The journal was read, corrected, and approved.

Mr. Lovejoy, from the committee on enrolled bills, reported the following:

The committee on enrolled bills would beg leave to report the following joint resolutions as truly enrolled:

C. R. No. 1. Instructing our Delegate in Congress to use his influence to procure an appropriation to continue the geological survey in this Territory.
C. R. No. 2. Calling upon the Secretary of the Territory to report at an early day relative to the laws and journals of 1850 and 1851.

C. R. No. 3. Calling upon the Governor of the Territory to report relative to the purchase of the Territorial Library.

C. R. No. 5. Calling upon the Territorial Librarian to report relative to the state and condition of the Territorial Library.

Mr. Lovejoy introduced the following resolution (C. J. R. No. 4):

Resolved by the Legislative Assembly, That our Delegate in Congress is hereby instructed to procure the passage of an act by Congress, establishing a mail route from Lafayette to Salem, via Doak's Ferry.

Mr. Garrison offered the following amendment to C. R. No. 7, to wit:

"Strike out the words 'Doak's Ferry.'"

To which Mr. Waymire offered the following amendment to the amendment, to wit:

After the words "Doak's Ferry," insert "and that a post office be there established."

Upon which the yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Lovejoy, Scott, Waymire and Mr President—5.

Those who voted in the negative are

Messrs. Garrison and Hall—2.

So the amendment to the amendment was adopted.

The yeas and nays being demanded by Mr. Waymire, upon the amendment offered by Mr. Garrison, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Hall, and Scott—3.

Those who voted in the negative are

Messrs. Humphrey, Lovejoy, Waymire, and Mr. President—4.

So the amendment was lost.

Mr. Garrison moved to amend C. R. No 7, by striking out the words "Doak's Ferry," and inserting Matheny's.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Hall, and Scott—3.

Those who voted in the negative are

Messrs. Humphrey, Lovejoy, Waymire, and Mr. President—4.

So the amendment was lost.

The question being, "Shall the resolution as amended pass?"

Which was decided in the affirmative.

C. B. No. 2. An act concerning the limitation of personal actions,

Which was,

On motion of Mr. Garrison,

Read a second time by its title.

On motion of Mr. Lovejoy,

C. B. No. 2. An act concerning the limitations of personal actions,

Was referred to the committee of the whole, for to-day.

C. B. No. 3. An act for the relief of Polk county;

Was read a second time and,

On motion of Mr. Humphrey,

Referred to the judiciary committee.

On motion of Mr. Hall,

The Council resolved itself into a committee of the whole on C. B. No. 1. A bill for the relief of Abraham Sulger, Mr. Garrison in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Garrison reported that the committee, having had under consideration C. B. No. 1. A bill for the relief of Abraham Sulger, report the same back to the Council without amendment.

On motion of Mr. Hall,

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was referred to the judiciary committee.

On motion of Mr. Waymire,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole on C. B. No. 2. A bill concerning the limitations of personal actions, Mr. Waymire in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Waymire reported that the committee of the whole, having had under consideration C. B. No. 2. A bill concerning the limitations of personal actions, report the same with sundry amendments, to wit:

1st amendment. Strike out section four.

On motion of Mr. Lovejoy,

Said amendment was adopted.

2d amendment. Section fifth, first line—Strike out the word "in," after the words "account current." Second line—Insert the words "shall be brought within three years, and not afterwards; and."

On motion of Mr. Lovejoy,

Said amendment was adopted.

3d amendment. Strike out the word "chapter," wherever it occurs, and insert the word "act."

On motion of Mr. Waymire,

Said amendment was adopted.

4th amendment. Section fourteenth, second line—Insert the words "joint contractor" before the words "joint executor."

On motion of Mr. Waymire,

Said amendment was adopted.

5th amendment. Section twenty-third, second line—Strike out the word "June" and and insert "March." Third line—Strike out "one" and insert "three."

On motion of Mr. Lovejoy,

Said amendment was adopted.

On motion of Mr. Lovejoy,

Ordered, That C. B. No. 2. A bill concerning the limitations of personal actions, be engrossed and read a third time on Wednesday, the 15th inst.

On motion of Mr. Hall,

The Council adjourned until 10, A. M, to-morrow.

TUESDAY, DEC. 14, 1852—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Mr. Phelps.

The journal of yesterday was read and approved.

Mr. Waymire introduced the following resolution (C. J. R. No. 8):

WHEREAS, "Order No. 3, Oregon City, March 29, 1851. Treasurer of Oregon Territory. Pay W. T. Matlock, or order, the sum of two hundred and sixty dollars and fifty cents, for services as Librarian, and contingent expenses, in the year 1850, audited and paid by Robert Caufield, treasurer of Clackamas county, and

transmitted to the Territorial Treasurer by Governer Gaines, as Territorial funds, contrary to law: therefore,

Be it resolved by the Council, the House concurring, That the Secretary of this Territory be and hereby is requested to report to the Legislative Assembly the amount of money he paid out for Territorial Librarian, and contingent expenses for the same, in the year 1850, and to whom, and since that time up to the present, if any.

Mr. Garrison moved that the resolution be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Phelps.

So the resolution was adopted.

Messages from the House, by their clerk, Mr. White,

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the following resolutions:

H. J. R. No. 6. In regard to requesting our Delegate to ask an appropriation from Congress for a military road from Fort Steilacoom to Walla Walla.

H. J. R. No. 7. In relation to a military road from Scottsburg to Rogue River.

H. J. R. No. 8. In regard to appointing a joint committee on the part of both Houses, to memorialize Congress on several subjects, and report by memorial or otherwise.

And I am directed to request the concurrence of the Council in their adoption.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the chairman of the joint committee on enrolled bills has reported as truly enrolled the following resolutions, to wit:

C. J. R. No. 1. In regard to the geological survey.

C. J. R. No. 2. In regard to calling on the Secretary of the Territory for a report regarding the laws and journals of 1850 and 1851.

C. J. R. No. 3. Calling on the Governor for a report of the invoice of the Territorial Library.

C. J. R. No. 5. Calling on the Territorial Librarian for a report on the state of the Library.

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that he has signed the accompanying resolutions:

C. J. R. No. 1. Instructing our Delegate in Congress to use his influence to procure an appropriation to continue the geological survey of this Territory.

C. J. R. No. 2. Calling on the Secretary of the Territory for a report regarding the laws and journals of the session of 1850 and 1851.

C. J. R. No. 3. Calling on the Governor relative to the Territorial Library.

C. J. R. No. 5. Calling upon the Territorial Librarian to report the state of the Territorial Library.

Which are herewith transmitted to the Council, where they originated, for the signature of the President of the Council.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have concurred with the Council in the adoption of C. J. R. No. 6. In relation to appointing a committee to investigate the state of the road across the Cascade Mountains; and the Speaker has appointed Messrs. Avery and Stark as a committee on the part of the House, to act with the committee of the Council, in conformity with the provisions of the resolution. Also—

C. J. R. No. 7. In regard to requesting our Delegate in Congress to procure the passage of an act establishing a mail route from Lafayette to Salem.

Which are herewith transmitted to the Council, where they originated, for enrollment.

H. J. R. No. 6.

Resolved by the Legislative Assembly, That our Delegate in Congress be requested to continue to urge upon the Congress of the United States the importance of an appropriation of thirty thousand dollars, for the purpose of opening a military road from Steilacoom, on Puget Sound, to some point at or near Fort Walla Walla, on the Columbia River.

On motion of Mr. Garrison,
Said resolution was adopted.

H. J. R. No. 7.

Resolved, the Council concurring, That our Delegate in Congress be requested to use his influence in Congress to get an appropriation of forty thousand dollars, to open a military road from Scottsburg to Rogue River Valley.

On motion of Mr. Humphrey,
Said resolution was adopted.

H. J. R. No. 8.

Resolved by the House, the Council concurring, That there be a committee of three appointed on the part of the House, to act in conjunction with a like committee on the part of the Council, to take into consideration the subject of memorializing Congress upon general subjects, and report by memorial, or otherwise, at some early day.

On motion of Mr. Hall,
Said resolution was adopted.

The President announced that he had signed the following resolutions, to wit:

C. J. R. No. 1. Instructing our Delegate in Congress to use his influence to procure an appropriation to continue the geological survey in this Territory.

C. J. R. No. 2. Calling on the Secretary of the Territory for a report regarding the laws and journals of the session of 1850 and 1851.

C. J. R. No. 3. Calling on the Governor relative to the Territorial Library.

C. J. R. No. 5. Calling upon the Territorial Librarian to report the state of the Territorial Library.

The President appointed Messrs. Garrison, Humphrey, and Scott, as a committee on the part of the Council, in accordance with H. J. R. No. 8.

Mr. Waymire gave notice that he would, on to-morrow, introduce a bill to create a lein on the property of criminals, in certain cases.

On motion of Mr. Lovejoy,
The Council adjourned until 2 P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.
On motion of Mr. Waymire,
The Council adjourned until 10 A. M., to-morrow.

WEDNESDAY, DEC. 15, 1852—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Hall, Lovejoy, Scott, Waymire, and Mr. President.
Absent—Messrs. Humphrey and Phelps.
The journal was read and approved.

Mr. Lovejoy, from the judiciary committee, made the following report, to wit:

The judiciary committee, to whom was referred the bill for the relief of Abraham Sulger, would submit the following report: That the committee are of the opinion that there is some amount of money due from the Territory to the said Sulger, but think the amount charged in said Sulger's account is exorbitant and over charged, and ought not to be allowed; therefore, the committee recommend that the bill do not pass.

On motion of Mr. Hall,

H. J. R. No. 2 was taken from the table.

Resolved by the House, the Council concurring, That a committee of three on the part of each be and the same are hereby appointed, whose duty it shall be to collect all the statutory laws, and parts of laws, of this Territory, that are now in force, to revise and report the same to this Assembly, by bill or otherwise, at as early a day as practicable.

Mr. Garrison moved that H. J. R. No. 2 be adopted.

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are:

Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Phelps.

So the resolution (H. J. R. No. 2) in regard to the appointment of a committee to revise the laws of this Territory, and report the same to this Assembly, was adopted.

The President appointed Messrs. Scott, Humphrey, and Hall, as a committee on the part of the Council, in accordance with H. J. R. No. 2.

Mr. Waymire, according to previous notice, introduced a bill—

C. B. No. 4. An act to create a lien on the property of criminals in certain cases;

Which was read a first time.

Mr. Deady, on leave, introduced a bill—

C. B. No. 5. An act to authorize the Treasurer to pay Territorial Order No. 1;

Which was read a first time.

Mr. Garrison, from the committee on engrossed bills, reported the following bill as truly engrossed:

C. B. No. 2. A bill on the limitations of personal actions.

Mr. Deady, on leave, introduced a bill—

C. B. No. 6. A bill to reimburse Yamhill county for certain expenses incurred in keeping and guarding a prisoner;

Which was read a first time.

On motion of Mr. Humphey,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Garrison,

C. B. No. 2. A bill concerning the limitation of personal actions,

Was read a third time, and

The yeas and nays, being demanded by Mr. Garrison, resulted as follows:

Those who voted in the affirmative are:

Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Phelps.

So the bill (C. B. No. 2. Concerning the limitation of personal actions) passed.

On motion of Mr. Lovejoy,

The title to C. B. No. 2. A bill concerning the limitation of personal actions, was adopted.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed to inform the Council, by the Speaker, that he has appointed Messrs. Hardin, Wait, and Simpson, a committee on the part of the House, in conformity with H. J. R. No. 2, providing for the appointment of a joint committee on the part of both Houses, to revise all the laws of Oregon, and report the same to the Legislative Assembly; and the appointment of a similar committee on the part of the Council is requested.

Mr. Lovejoy, from the committee on enrolled bills, made the following report:

The committee on enrolled bills would report that the House Joint Resolutions Nos. 6, 2, 7, and 8, have been truly enrolled. Also, Council Joint Resolution No. 7 has been truly enrolled.

Mr. Waymire submitted the following report of the Territorial Librarian;

Which was read.

Mr. Waymire moved the adoption of the report of the Territorial Librarian, and that two hundred copies be ordered printed.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are:

Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Phelps.

So the report of the Territorial Librarian was adopted.

[For report, see Appendix.]

Mr. Lovejoy gave notice that on to-morrow, or some subsequent day of the present session, he would introduce a bill concerning the embezzlement of floating lumber.

On motion of Mr. Waymire,

The Council adjourned until 10, A. M., to-morrow.

THURSDAY, DEC. 16, 1852—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Mr. Phelps.

The journal was read and approved.

Mr. Lovejoy, from the judiciary committee, made the following report, to wit:

The judiciary committee, to whom was referred the bill for the relief of Polk county, would submit the following report: That the committee are of an opinion that the cause of relief sought for and set forth in the preamble of said bill is a matter of expense which accrued to said county by the reason of an arrest and conviction of a certain criminal, properly arising under the laws of our Territory as expenses belonging to said county, and not to the Territory; therefore recommend that the bill do not pass.

Mr. Waymire asked the indulgence of the Council until Monday next, to make a minority report on C. B. No. 3. A bill for the relief of Polk county;

Which was granted.

C. B. No. 1. A bill to create a lien on the property of criminals in certain cases,

Was read a second time, and,

On motion of Mr. Waymire,

Ordered to be engrossed and read a third time to-morrow.

C. B. No. 5. A bill to authorize the Treasurer to pay Territorial order in favor of James Mc Bride,

Which was read a second time, and,

On motion of Mr. Waymire,

The first blank was filled with the word "five."

On motion of the same,

The second blank was filled with the words "July 9, 1851."

On motion of the same,

The third blank was filled with the words "six hundred and seventy-nine dollars and fifty-four cents."

On motion of Mr. Lovejoy,

C. B. No. 5. A bill to authorize the Treasurer to pay the Territorial order in favor of James McBride,

Was ordered to be engrossed and read a third time to-morrow.

C. B. No. 6. A bill to reimburse Yamhill county for certain expenses incurred in keeping and guarding a prisoner, while under sentence of confinement in the Territorial Penitentiary,

Was read the second time, and,

On motion of Mr. Hall,

Referred to the committee of the whole for to-day.

On motion of Mr. Hall,

The report of the committee on

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was taken up, and,

On motion of Mr. Hall,

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was recommitted to the committee on claims, with instructions to report what amount is due said Sulger.

The President announced a report from his Excellency, the Governor, by the sergeant-at arms, in pursuance of

C. R. No. 3. In relation to the Territorial Library,

Which was read and,

On motion of Mr. Lovejoy,

Laid upon the table.

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole, on

C. B. No. 6. A bill to reimburse the county of Yamhill for certain expenses incurred in keeping and guarding a prisoner while under sentence of confinement in the territorial penitentiary;

Mr. Hall in the chair.

After sometime spent therein, the committee arose and the President resumed his chair, and Mr. Hall reported that the committee of the whole, having under consideration,

C. B. No. 6. A bill to reimburse the county of Yamhill for cer-

tain expenses incurred in keeping and guarding a prisoner while under sentence of confinement in the territorial penitentiary,

Directed him to report the same back to the Council without amendment.

On motion of Mr. Hall,

C. B. No. 6. A bill to reimburse the county of Yamhill for certain expenses incurred in keeping and guarding a prisoner while under sentence of confinement in the territorial penitentiary,

Was ordered to be engrossed and read a third time to-morrow.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you, that the House have adopted the accompanying resolution:

H. J. R. No. 10. In regard to instructing our Delegate in Congress to use his endeavors to procure certain amendments to the land law,

And it is herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you that he has signed the accompanying resolution:

C. J. R. No. 7. In regard to requesting our Delegate to procure the passage of a law making a mail route from Lafayette to Salem,

And it is herewith transmitted to the Council, where it originated, for your signature.

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you that the following resolutions, to-wit:

H. J. R. No. 7. In relation to a military road from Scottsburgh to Rogue River,

H. J. R. No. 8. In regard to appointing a joint committee of both Houses, to memorialize Congress upon general subjects,

H. J. R. No. 6. In regard to a military road from Steilacoom, on Puget Sound, to Walla Walla,

H. J. R. No. 2. In regard to having a joint committee of three appointed to revise all the laws of Oregon,

Have been reported truly enrolled, they have been signed by the Speaker of the House of Representatives, and they are herewith transmitted to the Council and the signature of the President of the Council requested.

H. J. R. No. 10:

Resolved by the House, the Council concurring, That our Delegate in Congress be and is hereby requested to use his best endeavors to procure such amendments to the land law, as to allow claim holders the privilege of paying the minimum price per acre, in lieu of the four

years' residence and cultivation required by said law; and that the proceeds of said sales be donated to the Territory for school purposes; also, that all contracts for the sale or transfer of town lots, made subsequent to the passage of said law, be made valid; also, such amendments to the 4th and 5th sections, as to entitle widows, widowers, and orphans to the same quantity of land they would have been entitled to, had neither of the parties died; also, to authorize and require the Surveyor General to survey claims for all claimants east of the Cascade Mountains, who may have resided upon and cultivated said claims four consecutive years.

On motion of Mr. Lovejoy,
Said resolution was laid upon the table.

The President announced that he had signed the following resolutions, to-wit:

C. J. R. No. 7. In regard to instructing our Delegate in Congress to procure the passage of an act establishing a mail route from Lafayette to Salem.

H. J. R. No. 7. In relation to a military road from Scottsburgh to Rogue River.

H. J. R. No. 8. In regard to appointing a joint committee of both Houses, to memorialize Congress upon general subjects.

H. J. R. No. 6. In regard to a military road from Steilacoom, on Puget Sound, to Walla Walla.

H. J. R. No. 2. In regard to having a joint committee of three appointed to revise all the laws of Oregon.

On motion of Mr. Lovejoy,

H. J. R. No. 10. In regard to instructing our Delegate in Congress to procure several amendments to the land law,

Was taken from the table.

Mr. Lovejoy offered the following amendment to H. J. R. No. 10:

And that the donation law extend from 1853 to 1856.

On motion of Mr. Garrison,
Said amendment was adopted.

Mr. Hall offered the following amendment to H. J. R. No. 10:

Strike out the word "widowers."

The yeas and nays being demanded by Mr. Lovejoy, resulted as follows:

Those who voted in the affirmative are,

Messrs. Hall and Mr. President—2.

Those who voted in the negative are,

Messrs. Garrison, Humphrey, Lovejoy, Scott, and Waymire—5.

Absent—Mr. Phelps.
So the amendment was lost.

Mr. Waymire offered the following amendment to H. J. R. No. 10:

Insert after the word "east," the words "and west," so as to include all claims in the Willamette Valley, unsurveyed or established at present.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Lovejoy, Waymire, and Mr. President—5.

Those who voted in the negative are,

Messrs. Hall and Scott—2.

Absent—Mr. Phelps.

So the amendment was adopted.

On motion of Mr. Garrison,

The Council adjourned until 2 P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.

On motion of Mr. Garrison,

H. J. R. No. 10. In regard to instructing our Delegate in Congress to procure several amendments to the land law,

Was referred to a committee of the whole for to-day.

On motion of Mr. Lovejoy,

The Council resolved itself into a committee of the whole on

H. J. R. No. 10. In regard to instructing our Delegate in Congress to procure several amendments to the land law,

Mr. Lovejoy in the chair.

After some time spent therein, the committee arose and the President resumed the chair, and Mr. Lovejoy reported that the committee of the whole, having had under consideration H. J. R. No. 10, report the same back without amendment.

On motion of Mr. Garrison,

H. J. R. No. 10. Instructing our Delegate in Congress to procure several amendments to the land law,

As amended, was adopted.

On motion of Mr. Humphrey,

The Council adjourned until 10, A. M, to-morrow.

FRIDAY, Dec. 17, 1852, 10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Mr. Phelps.

The journal was read and approved.

Mr. Garrison, from the committee on claims, made the following report:

Your committee, to whom was referred the bill for the relief of Abraham Sulger, with instructions to report what amount was due, report, that according to the amount audited and allowed by the Territorial Auditor, F. S. Holland, December 10, 1851, No. 18, that there is due said Sulger the sum of one thousand eight hundred and twenty-four dollars and seventy cents.

Mr. Garrison, from the committee on engrossed bills, reported the following bills as truly engrossed, to wit:

C. B. No. 4. A bill to create a lien on the property of criminals in certain cases.

C. B. No. 5. A bill to authorize the Treasurer to pay the Territorial order in favor of James McBride.

C. B. No. 6. A bill to reimburse the county of Yamhill for certain expenses incurred in keeping and guarding a prisoner, while under sentence of confinement in the Territorial Penitentiary.

Mr. Lovejoy introduced the following resolution (C. J. R. No. 9):

Resolved by the Council, the House concurring, That the Legislative Assembly adjourn on Wednesday, the 22d inst., to meet at the seat of government on the 3d day of January, 1853, at 10 A. M.

On motion of Mr. Humphrey,

Said resolution was adopted.

C. B. No. 5. A bill to authorize the Territorial Treasurer to pay the Territorial order issued in favor of James McBride,

Was read a third time and passed.

C. B. No. 6. A bill to reimburse Yamhill county for certain expenses incurred in keeping and guarding a prisoner, while under sentence of confinement in the Territorial Penitentiary,

Was read a third time and passed.

C. B. No. 4. A bill to create a lien upon the property of criminals in certain cases,

Came up for the third reading, when,

On motion of Mr. Waymire,

C. B. No. 4. A bill to create a lien upon the property of criminals in certain cases,

Was referred to a select committee of two.

On motion of Mr. Hall,

The report of the committee on claims on

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was taken up.

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was read a second time.

Mr. Hall moved the said bill be engrossed and read a third time to-morrow.

By leave of the Council, Mr. Hall withdrew his motion.

On motion of Mr. Hall,

C. B. No. 1. A bill for the relief of Abraham Sulger,

Was laid upon the table.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform the Council that the accompanying bill

H. B. No. 5. A bill for the relief of George Washington, a man of color,

Has passed the House of Representatives, and it is herewith sent to the Council, whose concurrence is requested.

H. B. No. 5. A bill for the relief George Washington, a man of color,

Was read a first time.

Mr. Garrison, according to previous notice, introduced a bill—

C. B. No. 7. A bill concerning estrays,

Was read a first time.

On motion of Mr. Hall,

The Council adjourned until 2 P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have adopted the accompanying resolutions, to wit:

C. J. R. No. 8. In regard to the order on the Territorial Treasurer in favor of W. T. Matlock,

With a proposed amendment: Strike out in the preamble all after the words "Clackamas county."

C. J. R. No. 9. In regard to adjournment.

With a proposed amendment, as follows: Strike out "three" and insert "four."

Mr. Lovejoy, moved that the Council concur in the amendment of the House to

C. J. R. No. 9. In regard to adjournment,

Which was agreed to.

Mr. Waymire moved that the Council do not agree to House amendment to C. J. R. No. 8.

On motion of Mr. Lovejoy,

The Council adjourned until 10 A. M., to-morrow.

SATURDAY, DEC. 18, 1852—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President.

Absent—Mr. Phelps.

The journal was read and approved.

Mr. Lovejoy introduced the following resolution (C. J. R. No. 10):

Resolved by the Council, the House concurring, That our Delegate in Congress be and hereby is requested to use his utmost influence to urge the prayer of the memorial passed at the last regular session of the Legislative Assembly, praying the election of certain Territorial officers,

Which was read and,

On motion of Mr. Humphrey,

Said resolution was adopted.

H. B. No. 5. A bill for the relief of George Washington, a man of color,

Was read a second time, and,

On motion of Mr. Garrison,

Ordered to be read a third time on Monday next.

C. J. R. No. 8. In regard to the Territorial order on the Territorial Treasurer, in favor of W. T. Matlock.

Mr. Waymire moved the following amendment to the House amendment, to wit:

Strike out the words "Governor Gaines,"

Which was read and adopted.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House do not concur in Council amendment No. 1 to

H. J. R. No. 10. In regard to the land law.

The House concur with the Council in Council amendment No. 2 to same resolution; and they are herewith transmitted to the Council, and a committee of conference requested.

On motion of Mr. Lovejoy,

A committee of two was appointed, to confer with a like committee from the House, on

H. J. R. No. 10. In regard to the land law.

The President appointed Messrs. Waymire and Scott as a committee, in accordance with

H. J. R. No. 10. In regard to the land law.

Mr. Lovejoy, according to previous notice, introduced a bill—

C. B. No. 8. A bill concerning timber floating,

Which was read a first time.

Mr. Hall, on leave, introduced a bill—

C. B. No. 9. An act to amend an act, passed January 1, 1851, to incorporate the Portland and Valley plank road company,

Which was read a first time.

The President appointed Messrs. Waymire and Lovejoy as a special committee on

C. B. No. 4. A bill to create a lien upon the property of criminals in certain cases.

On motion of Mr. Waymire,

The Council adjourned until Monday next at 10 A. M.

MONDAY, DEC. 20, 1852—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Hall, Scott, Waymire, and Mr. President.

Absent—Messrs. Humphrey, Lovejoy, and Phelps.

The journal was read and approved.

C. B. No. 7. A bill concerning estray animals,

Was read a second time by its title and,

On motion of Mr. Garrison,

Said bill was referred to a committee of the whole for to-morrow.

C. B. No. 8. A bill concerning the embezzlement of timber floating,

Was read a second time by its title and,

On motion of Mr. Waymire,

Referred to a committee of the whole for to-morrow.

C. B. No. 9. An act to amend an act passed January 1, 1852, to incorporate the Portland and Valley plank road company,

Was read a second time by its title and,

On motion of the same,

Referred to a committee of the whole for to-morrow.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House concur with the Council in passage of

C. B. No. 6. An act to make an appropriation to reimburse Yamhill county for expenses incurred in keeping a certain prisoner,

And it is herewith transmitted to the Council, where it originated, for enrollment.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the accompanying joint resolutions—

H. R. No. 11. Requesting our Delegate in Congress to use his influence with Congress to procure an appropriation of $15,000, to build a light house at the mouth of Umpqua River; also, an appropriation of $15,000, to mark an entrance of Umpqua River with buoys; also, an appropriation of $40,000, to build a fire-proof custom house at the same place;

And House joint resolution, requesting our Delegate to use his influence with Congress to procure the establishment of a mail route from Olympia to Port Townsend, &c., and the establishment of post offices at certain places therein named,

Have passed the House, and are herewith transmitted, and the concurrence of the Council requested.

Also, that the accompanying

C. B. No. 5. An act to authorize the Treasurer to pay Territorial order No. 5,

Has passed the House, and is herewith transmitted to the Council, where it originated, for enrollment.

H. J. R. No. 11.

WHEREAS, the appropriation made by the Congress of the United States, for a light house at the mouth of the Umpqua River, is inadequate to complete the same;

AND WHEREAS, the commercial interests of the Umpqua River will be greatly enhanced by appropriate marks defining the entrance to the same;

AND WHEREAS, there is a collection district embracing all that part of Oregon south of the 44th degree of north latitude, including the Umpqua river: therefore,

Be it resolved, the Council concurring, That our Delegate in Congress be requested to use his influence in Congress to get an appro-

priation of $15,000, to build a light house at the mouth of the Umpqua River; and an appropriation of $15,000, to mark the entrance to the Umpqua River with iron case buoys; and also an appropriation of $40,000, to build a fire-proof custom house at the same place.

On motion of Mr. Waymire,
Said resolution was adopted.
H. J. R. No. 12.

Resolved by the House of Representatives, the Council concurring, That our Delegate be and is hereby requested to use his influence with the Congress of the United States, to establish a mail route from Olympia to Port Townsend; and to establish post offices at Steilacoom City, Seattle, and Port Townsend. Also, a mail route from Seattle to Coveland, on Whidby's Island; and to establish post offices at Snohomish, at the mouth of the Snohomish River, and at Coveland.

On motion of same,
Said resolution was adopted.
Mr. Waymire, on leave introduced a bill—
C. B. No. 10. An act to provide for the keeping of criminals sentenced to imprisonment in the Penitentiary, and to be kept at hard labor,
Was read a first time and,
On motion of Mr. Garrison,
The rules were suspended, and
C. B. No. 10. An act to provide for keeping of criminals sentenced to imprisonment in the Penitentiary, and to be kept at hard labor,
Was read a second time, and,
On motion of Mr. Waymire,
The rules were further suspended, and
C. B. No. 10. An act to provide for keeping of criminals sentenced to imprisonment in the Penitentiary, and to be kept at hard labor,
Was considered engrossed, and read a third time and passed.
On motion of Mr. Garrison,
The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.
H. B. No. 5. A bill for the relief of George Washington, a man of color,
Was taken up for a third reading, when,
On motion of Mr. Lovejoy,
Said bill was laid upon the table.

Mr. Waymire, from a minority of the judiciary committee, made a report on

C. B. No. 3. A bill for the relief of Polk county.

Which was read, and

Laid upon the table.

On motion of Mr. Waymire,

C. B. No. 3. A bill for the relief of Polk county,

Was taken up.

On motion of same,

C. B. No. 3. A bill for the relief of Polk county,

Be engrossed and read a third time to-morrow,

Which was not agreed to.

On motion of Mr. Lovejoy, the vote on

C. B. No. 3. A bill for the relief of Polk county,

Was reconsidered.

Mr. Waymire, by leave of the Council, withdrew his motion.

On motion of Mr. Garrison,

C. B. No. 3. A bill for the relief of Polk county,

Was laid upon the table.

On motion of Mr. Humphrey,

The Council adjourned until 10 o'clock, A. M., to-morrow.

TUESDAY, DEC. 21, 1852—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, and Mr. President.

Absent—Messrs. Phelps and Waymire.

The journal was read and approved.

The Council took up the bill on the table,

H. B. No. 5. A bill for the relief of George Washington, a man of color,

Which was read a third time and passed.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bill—

H. B. No. 17. A bill to organize Pierce county;

And it is herewith transmitted to the Council, and concurrence requested.

H. B. No. 17. A bill to create and organize Pierce county,

Was read a first time.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bill—

H. B. No. 18. A bill to create and organize the county of King; And it is herewith transmitted to the Council, and concurrence requested.

H. B. No. 18. A bill to create and organize the county of King, Was read a first time.

Mr. Lovejoy, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills have carefully examined, and beg leave to report the following: C. J. R. 6 and 9, and the following Council bills: 5 and 6, as truly enrolled.

On motion of Mr. Lovejoy,

The Council resolved itself into a committee of the whole on

C. B. No. 7. A bill concerning estray animals.

C. B. No. 9. An act to amend an act passed January 1, 1852, to incorporate the Portland and Valley plank road company,

Mr. Lovejoy in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Lovejoy reported that the committee of the whole, having had under consideration the following bills, to wit: C. B. No. 7, report the same back with sundry amendments, and that it be referred to a select committee; and C. B. 9, report the same back to the Council that it do not pass.

Reports were received.

A message from the House, by their clerk, Mr White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House do not concur in the adoption of Council amendment to House amendment to

H. J. R. No. 8. In regard to the Territorial order in favor of W. T. Matlock.

On motion of Mr. Waymire,

That the Council insist on their amendment to

C. J. R. No. 8. In relation to the Territorial order in favor of W. T. Matlock.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that the Speaker has signed the accompanying resolution:

C. J. R. No. 6. In regard to the Cascade road charter,

And it is herewith transmitted to the Council, where it originated.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the accompanying bill—

H. B. 10. A bill to establish pilotage in Umpqua Bay,

Has passed the House of Representatives, and it is herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have adopted the accompanying resolution—

H. J. R. No. 5. In relation to asking appropriation for a military road from Fort Boise to Columbia Barracks, along the Columbia River,

And it is herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bill—

H. B. No. 2. To locate the county-seat of Thurston county,

And it is herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bill—

H. B. 3. A bill to locate the county-seat of Lewis county,

And it is herewith transmitted to the Council, whose concurrence is requested.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that he has signed the following bills, to wit:

C. B. 5. A bill to authorize the Territorial Treasurer to pay Territorial order No. 5.

C. B. No. 6. A bill to reimburse Yamhill county for prison expenses.

C. J. R. No. 9. In regard to adjournment.

And they are herewith transmitted to the Council, where they originated, for your signature.

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you that the following bills have passed the House of Representatives, to-wit:

H. B. 19. A bill to create and organize Island county.

H. B. 20. A bill to create and organize Jefferson county.

And they are herewith transmitted to the Council, and concurrence requested.

The President announced that he had signed

C. B. No. 5. A bill to authorize the Territorial Treasurer to pay the Territorial order No. 5.

C. B. No. 6. A bill to reimburse Yamhill county for certain expenses incurred in keeping and guarding a prisoner.

C. J. R. No. 9. In regard to adjournment,

C. J. R. No. 6. In regard to the Cascade road charter.

H. B. No. 3. A bill to locate the county-seat of Lewis county,

Was read a first time.

H. B. No. 2. A bill to locate the county-seat of Thurston county,

Was read a first time.

H. B. No. 10. A bill to establish pilotage in Umpqua Bay,

Was read a first time.

H. J. R. No. 5. In regard to asking appropriation for a military road from Fort Boise to Columbia Barracks, along the Columbia River.

On motion of Mr. Waymire,

Said resolution was adopted.

C. B. No. 7. A bill concerning estray animals,

Was referred to a select committee consisting of Messrs. Garrison, Waymire, and Scott.

On motion of Mr. Waymire,

C. B. 9. An act to amend an act passed January 1, 1852, to incorporate the Portland and Valley Plank road company,

Be indefinitely postponed.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are

Mr. Hall—1.

Absent—Mr. Phelps.

So the bill was indefinitely postponed.

On motion of Mr. Lovejoy,

The Council resolved itself into a committee of the whole, on

C. B. No. 8. A bill concerning embezzlement of timber floating;

Mr. Hall in the chair.

After sometime spent therein, the committee arose and the President resumed his chair, and Mr. Hall reported that the committee of the whole, having had under consideration C. B. No. 8, report the same back to the Council, with sundry amendments.

Which report was received.

Amendments to C. B. 8. A bill concerning embezzlement of timber floating, were as follows, to wit:

1st amendment. Section first, second line, before "logs," insert

"saw;" after the word "logs," insert the words "piles, spars, rails, hewn."

On motion of Mr. Lovejoy,

Said amendment was adopted.

2d amendment. Section second, first line, after the words "may apply," insert "upon at least twenty days previous notice being given to the oppposite party."

On motion of Mr. Humphrey,

Said amendment was adopted.

3d amendment. Section seventh, fourth line, after the words "by advertisement," strike out the remainder of the section, and insert "in some public newspaper of the Territory, for at least three consecutive weeks."

On motion of Mr. Lovejoy,

Said amendment was adopted.

4th amendment. Seventh section—Whenever the description of lumber in any section in this act, except the first section, is made, by specifying particular kinds of lumber, strike out such specifications and insert the materials enumerated in the first section of this act.

On motion of Mr. Garrison,

Said amendment was adopted.

5th amendment. Twelfth section, fourth line, strike out "river, or its branches," and insert "waters."

On motion of the same,

Said amendment was adopted.

5th amendment. Twelfth section, second line, strike out and insert "into any of the waters of this Territory, for rafting or floating down said waters."

On motion of the same,

Said amendment was adopted.

7th amendment. Tenth section, sixth line, after the word "imprisoned," insert "in the county jail."

Mr. Lovejoy, moved that said amendment be adopted.

Upon which the yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Hall, Lovejoy, Scott, and Waymire—5.

Those who voted in the negative are

Messrs. Humphrey, and Mr. President—2.

Absent—Mr. Phelps.

So the amendment was adopted.

8th amendment. Section eleventh, second line, strike out the word "or," before "plank," and insert after "plank," "other materials included in the first section of this act."

On motion of Mr. Lovejoy,
Said amendment was adopted.
On motion of same,
C. B. No. 8. An act concerning timber floating,
Was ordered to be engrossed and read a third time to-morrow.
On motion of Mr. Humphrey,
The Council adjourned until 10, A. M. to-morrow.

WEDNESDAY, DEC. 22, 1852—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President.
Absent—Mr. Phelps.
The journal was read and approved.
Mr. Lovejoy, from the committee on enrolled bills, made the following report, to wit:

The joint committee on enrolled bills have carefully examined the following joint House resolutions, Nos. 11 and 12, and ask leave to report them as truly enrolled.

H. B. No. 2. An act to establish the county-seat of Thurston county,
Was read a second time, and,
On motion of Mr. Waymire,
The rules were suspended, and said bill was read a third time and passed.
H. B. No. 19. A bill to create and organize Island county,
Was read a second time, and,
On motion of Mr. Garrison,
The rules were suspended, and said bill was read a third time.
On motion of Mr. Waymire,
The vote suspending the rules on
H. B. 19. To create and organize Island county,
Was reconsidered, and,
On motion of Mr. Lovejoy,
The word "court," in section three of H. B. No. 19, was stricken out.
On motion of Mr. Garrison,
The rules were suspended, and
H. B. 19. A bill to create and organize island county,
Was read a third time and passed.

H. B. No. 20. A bill to create and organize the county of Jefferson,

Was read a second time, and,

On motion of Mr. Lovejoy,

The word "court," after "commissioners," was stricken out.

On motion of Mr. Garrison,

The words "house of," before "L. B. Hastings," were inserted.

On motion of Mr. Waymire,

The rules were suspended, and

H. B. 20. A bill to create and organize the county of Jefferson,

Was read a third time and passed.

H. B. No. 10. A bill to create and organize the county of King,

Was read a second time, and,

On motion of Mr. Garrison,

The word "court," after "commissioners," was stricken out.

On motion of Mr. Humphrey,

The rules were suspended, and

H. B. 18. A bill to create and organize the county of King,

Was read a third time and passed.

H. B. No. 17. A bill to create and organize Pierce county,

Was read a second time, and,

On motion of Mr. Garrison,

The word "court," after "commissioners," was stricken out.

On motion of same,

The rules were suspended, and

H. B. No. 17. A bill to create and organize Pierce county,

Was read a third time and passed.

H. B. No. 10. A bill to establish a board of pilotage at the mouth of Umpqua River,

Was read a second time, and,

On motion of Mr. Scott,

The rules were suspended, and

H. B. No. 10. A bill to establish a board of pilotage at the mouth of Umpqua River,

Was read a third time and passed.

H. B. No. 3. A bill to establish the county-seat of Lewis county,

Was read a second time, and,

On motion of Mr. Garrison,

The rules were suspended, and

H. B. No. 3. A bill to establish the county-seat of Lewis county,

Was read a third time and passed.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the accompanying joint resolutions (H. J. R. Nos. 11 and 12) have been reported truly enrolled, and signed by the Speaker, and are herewith transmitted for your signature.

The President announced that he had signed H. J. R. Nos. 11 and 12.

Mr. Lovejoy presented the petition of Fanny Fern and others,
Which was read and,
On motion of same,
Referred to the joint committee on memorials.
On motion of same,
The Council adjourned until 2 P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.
Mr. Waymire introduced the following resolution (C. J. R. No. 11):

Resolved by the Legislative Assembly of the Territory of Oregon, That the Territorial Auditor is hereby authorized to draw a warrant upon the Territorial Treasurer, and the Treasurer to pay the same, in favor of the commissioners appointed to bring the remains of the late Hon. Samuel R. Thurston to this Territory for interment, for the sum of one thousand dollars of the sum heretofore appropriated for that purpose, to be hereafter accounted for by said commissioners in their settlement with said Auditor.

Which was read a first time, and,
On motion of Mr. Waymire,
The rules were suspended, and said C. J. R. No. 11 was read a second time, and,
On motion of Mr. Garrison,
The rules were further suspended, and the resolution was considered engrossed, and was read a third time and passed.
Mr. Waymire, from the judiciary committee, introduced a bill—
C. B. No. 11. An act to amend an act entitled an act to define the jurisdiction of the supreme and district courts,
Was read a first time and,
On motion of Mr. Waymire,
The rules were suspended, and
C. B. No. 11 was read a second time, and,
On motion of same,
The rules were further suspended, and
C. B. No. 11. An act to amend an act entitled an act to define the jurisdiction of the supreme and district courts,
Was considered engrossed, and was read a third time and passed.
Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bill—
H. B. 9. A bill to divorce D. S. Maynard from his wife, Julia,
And it is herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House concur in the adoption of Council amendment to

H. B. No. 18. A bill to create and organize the county of King.

The House concur with the Council in the adoption of Council amendment to

H. B. 19. A bill to create and organize Island county.

The House also concur in the adoption of Council amendments Nos. 1 and 2 to

H. B. 20. A bill to create and organize Jefferson county.

Also, in Council amendment to

H. B. No. 17. A bill to create and organize Pierce county.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the House concur with the Council in passage of

C. J. R. No. 11. In regard to the order on the Territorial Treasurer for money to be given to the commissioners appointed to bring the remains of the Hon. Samuel R. Thurston to this Territory.

MR. PRESIDENT:—I am directed by the Speaker of the House of Representatives to inform you, that the House have adopted the accompanying resolution (H. J. R. No. 14), and it is herewith sent to the Council, and concurrence requested.

On motion of Mr. Scott,

The vote on

H. B. No. 10. A bill to establish a board of pilotage for Umpqua River,

Was reconsidered, and,

On motion of same,

The blank was filled with the names of Job Hatfield, William H. Watkins, and Amos C. Rogers.

On motion of Mr. Waymire,

The rules were suspended, and

H. B. 10. A bill to create a board of pilotage for Umpqua River,

Was read a third time and passed.

H. B. 9. A bill to divorce D. S. Maynard from his wife, Julia,

Was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended, and H. B. No. 9 was read a second time, and,

On motion of Mr. Hall,

The rules were further suspended, and

H. B. 9. A bill to divorce D. S. Maynard from his wife, Julia,

Was read a third time.

On motion of Mr. Garrison,

Mr. Lovejoy was excused from voting on H. B. 9.

The question recurring on the final passage of
H. B. No. 9. A bill to divorce D. S. Maynard from his wife, Julia,
Was decided in the affirmative.
So H. B. 9. A bill to divorce D. S. Maynard from his wife, Julia, passed.
Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bills, to wit:
H. B. 16. To locate a Territorial road from Lafayette to Marysville;
H. B. 21. A bill for a Territorial road from St. Helens to Hillsborough;
And they are herewith transmitted to the Council, and concurrence requested.

Mr. President: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the accompanying bill—
H. B. 22. A bill to locate a Territorial road from Sandy to Chehalem;
And it is herewith transmitted to the Council, for concurrence.

On motion of Mr. Waymire,
The Council adjourned.

TUESDAY, Jan. 4, 1853—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Phelps, Scott, and Mr. President.
Absent—Messrs. Garrison, Humphrey, Hall, Lovejoy, and Waymire.
There being no quorum present,
On motion of Mr. Scott,
The Council adjourned until 10 A. M., to-morrow.

WEDESDAY, JAN. 5, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Phelps, Scott, and Mr. President.

Absent—Messrs. Garrison, Humphrey, Hall, Lovejoy, and Waymire.

There being no quorum present,

On motion of Mr. Phelps,

The Council adjourned until 10, A. M., to-morrow.

THURSDAY, JAN. 6, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Humphrey, Hall, Phelps, Scott, and Mr. President.

Absent—Messrs. Garrison, Lovejoy, and Waymire.

The journal of the preceding days was read and approved.

Mr. Phelps presented the petition of Isaac Hutchens, of Linn county, for expenses incurred in keeping and guarding a prisoner,

Which was read, and,

On motion of Mr. Hall,

Was referred to the judiciary committee.

Mr. Humphrey, from the committee on enrolled bills, reported

C. J. R. No. 11. In regard to paying the commissioners to bring the remains of the Hon. Samuel R. Thurston to this Territory for interment,

As truly enrolled.

H. B. No. 16. An act to locate a Territorial road from Lafayette to Marysville,

Was read a first time.

H. B. No. 21. An act to locate a Territorial road from St. Helens to Hillsborough,

Was read a first time.

H. B. No. 22. An act to locate a Territorial road from Sandy to Chehalem Valley,

Was read a first time.

H. J. R. No. 14.

Resolved by the House, the Council concurring, That our Delegate in Congress be requested to use his best endeavors to procure the passage of an act providing for the immediate survey of that portion

of the public lands lying east of the Cascade Mountains, within the limits of this Territory, and authorize the sale of the same to actual settlers at the minimum price per acre, in quantities not exceeding six hundred and forty acres to each purchaser; and the proceeds be applied to the constructing of that portion of the contemplated Pacific Railroad west of the Rocky Mountains: *Provided*, the terminus of said road, or a branch thereof, be at some point on the coast of Oregon;

Which was read and,
On motion of Mr. Hall,
Referred to a committee of the whole.
On motion of Mr. Scott,
The Council adjourned until 2 P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.
A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the accompanying bills—
H. B. No. 5. A bill for the relief of George Washington, a man of color;
H. B. 3. A bill to locate the county-seat of Lewis county;
Have been reported truly enrolled, and signed by the Speaker, and are herewith transmitted for your signature. Also, the accompanying
H. B. No. 23. An act to establish the county-seat of Jackson county,
Has passed the House, and is herewith transmitted, and the concurrence of the Council requested.

H. B. No. 23. A bill to establish the county-seat of Jackson county,
Was read a first time.
Mr. Deady, on leave, introduced a bill—
C. B. 12. A bill to distribute the school funds collected in the county of Thurston in the year 1852, between the counties of Island, Jefferson, Pierce, King, and Thurston,
Which was read a first time.
Mr. Hall, on leave, introduced a bill—
C. B. 13. A bill to locate the county-seat of Pierce county,
Which was read a first time, and,
On motion of Mr. Hall,
Rules were supended, and C. B. 13 was read a second time, and,
On motion of the same,
Rules were further suspended, and

C. B. 13. A bill to locate the county-seat of Pierce county,
Was read a third time and passed.
Mr. Hall, on leave, introduced a bill—
C. B. 14. A bill to locate the county-seat of King county,
Which was read a first time, and,
On motion of Mr. Hall,
The rules were suspended, and C. B. 14 was read a second time, and,
On motion of same,
C. B. 14. A bill to locate the county-seat of King county,
Was read a third time and passed.
Mr. Hall, on leave, introduced a bill—
C. B. 15. A bill to locate the county-seat of Jefferson county,
Was read a first time, and,
On motion of Mr. Hall,
The rules were suspended, and C. B. No. 15 was read a second time, and,
On motion of same,
The rules were further suspended, and
C. B. 15. A bill to locate the county-seat of Jefferson county,
Was read a third time and passed.
Mr. Hall, on leave, introduced a bill—
C. B. 16. A bill to appoint officers for the county of Pierce,
Which was read a first time, and,
On motion of Mr. Hall,
The rules were suspended, and C. B. 16 was read a second time, and,
On motion of same,
The rules were further suspended, and
C. B. 16. A bill to appoint officers for the county of Pierce,
Was read a third time and passed.
Mr. Hall, on leave, introduced a bill—
C. B. 17. A bill to appoint officers for King county,
Which was read a first time, and,
On motion of Mr. Hall,
The rules were suspended, and C. B. 17 was read a second time, and,
On motion of same,
The rules were further suspended, and,
C. B. 17. A bill to appoint officers for King county,
Was read a third time and passed.
Mr. Hall, on leave, introduced a bill—
C. B. 18. A bill to appoint officers for the county of Island,
Which was read a first time, and,
On motion of Mr. Waymire,
The rules were suspended, and C. B: 18 was read a second time, and,
On motion of same,
The rules were further suspended, and

C. B. 18. A bill to appoint officers for the county of Island,
Was read a third time and passed.

The President announced that he had signed the following bills, to-wit:

H. B. 3. A bill to establish the county-seat of Lewis county.

H. B. No. 5. A bill for the relief of George Washington, a man of color,

On motion of Mr. Waymire,

The Council adjourned until 10 o'clock, A. M., to-morrow.

FRIDAY, JAN. 7, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.

Absent—Messrs. Garrison and Lovejoy.

The journal was read and approved.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that the Speaker has signed the accompanying resolution:

C. J. R. No. 11. In regard to paying the commissioners to bring the remains of the Hon. S. R. Thurston to this Territory;

And it is herewith transmitted to the Council, where it originated, for your signature.

MR. PRESIDENT: I am directed by the Speaker of the House of Representatives to inform you that the accompanying bill—

C. B. 2. A bill concerning the limitation of personal actions,

Has passed the House, with the following amendments: Insert in the first line of first section, after the word "some," the word "one." 2d. Strike out of third line of fourth section, the word "three," and insert the word "two." In which the concurrence of the Council is requested.

Mr. Humphrey presented the petition of James Bulter and eighty-three others, in relation to the county-seat of Lane county,

Which was read, and

On motion of Mr. Humphrey,

Referred to the committee on counties.

H. B. 16. A bill to locate a Territorial road from Lafayette to Marysville,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was referred to a committee of the whole.

C. C. 12. A bill to distribute the school funds collected in the county of Thurston in the year 1852, between the counties of Island, Jefferson, Pierce, King, and Thurston,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was ordered to be engrossed and read a third time to-morrow.

H. B. 23. A bill to establish the county-seat of Jackson county,

Was read a second time, and,

On motion of Mr. Humphrey,

Said bill was ordered to a third reading to-morrow.

H. B. 22. A bill to locate a Territorial road from Sandy to Chehalem Valley,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was referred to a committee of the whole.

H. B. 21. A bill to locate a Territorial road from St. Helens to Hillsborough,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was referred to a committee of the whole.

On motion of Mr. Hall,

The House amendments to

C. B. 2. A bill concerning the limitation of personal actions,

Was referred to a committee of the whole.

The President announced that he had signed

C. J. R. 11. In regard to paying the commissioners to bring the remains of the Hon. S. R. Thurston to this Territory for interment.

On motion of Mr. Humphrey,

C. B. No. 3. A bill for the relief of Polk county,

Was taken from the table.

A message from the House, by their clerk, Mr White:

Mr. President: I am directed by the Speaker of the House of Representatives to inform you that the House have passed the following bills, to wit:

C. B. 13. A bill to locate the county-seat of Pierce county;

C. B. 14. A bill to locate the county-seat of King county;

C. B. 15. A bill to locate the county-seat of Jefferson county;

C. B. 16. A bill appointing officers for Pierce county;

C. B. 17. A bill appointing officers for King county;

C. B. 18. A bill appointing officers for Island county;

And they are herewith transmitted to the Council, where they originated, for enrollment.

C. B. No. 3. A bill for the relief of Polk county,

Was taken up, and,

On motion of Mr. Waymire,

The first blank was filled with the word "eighteenth."

On motion of Mr. Waymire,
The second blank was filled with the word "eighteenth."
On motion of same,
C. B. No. 3. A bill for the relief of Polk county,
Was ordered to be engrossed and read a third time.
Mr. Waymire, on leave, introduced a bill—
C. B. 19. A bill to establish the office of probate judge, and define its duties and powers,
Which was read a first time.
Mr. Waymire, on leave, introduced a bill—
C. B. 20. A bill appointing officers for Jefferson county,
Which was read a first time, and,
On motion of Mr. Waymire,
The rules were suspended, and C. B. 20 was read a second time, and,
On motion of the same,
C. B. 20. A bill appointing officers for Jefferson county,
Was read a third time and passed.
Mr. Deady, on leave, introduced a bill—
C. B. 21. A bill to establish and regulate the office of Prosecuting Attorney,
Which was read a first time.
On motion of Mr. Waymire,
The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.
Mr. Humphrey, on leave, introduced a bill—
C. B. 22. A bill to amend an act entitled an act to provide for and regulate general elections,
Which was read a first time.
Mr. Waymire introduced the following resolution (C. J. R. 12):

WHEREAS, the Territorial Librarian, in his official report to this Legislative Assembly, that he received the following letter from Adams & Co.:

MR. RECTOR—

Sir: We beg to advise you of a box shipped to the Librarian of Oregon Territory, now in our office here for two months. When it first arrived, we shipped it to Oregon City, where the Librarian then was. It was returned; the person in charge refused to pay charges. The freight is ($39) thirty-nine dollars. Please inform us what disposition we will make of it.

Therefore,

Be it resolved by the Council, the House concurring, That the Secretary of this Territory be and is hereby requested to furnish the necessary amount of money to pay said charges, and have the

said box transmitted to the Territorial Library as soon as the nature of the case may permit, and charge the same to the proper department;

Which was read a first time, and,

On motion of Mr. Humphrey,

The rules were suspended, and said resolution was read a second time, and,

On motion of the same,

The rules were further suspended, and said resolution was read a third time and passed.

On motion of Mr. Waymire,

The Council adjourned until 10 A. M. to-morrow.

SATURDAY, JAN. 8, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.

Absent—Messrs. Garrison and Lovejoy.

The journal of yesterday was read and approved.

Mr. Scott, from the committee on counties, made the following report, to wit:

Your committee, to whom was referred the petition of Emanuel Horner and others to be annexed to Yamhill county, believe the prayer of the petitioners should be granted, if it can be done without materially injuring any other portion of the inhabitants of Yamhill or Washington counties;

Which was read and laid upon the table.

Mr. Humphrey from the committee on enrolled bills, reported the following bills as truly enrolled, to wit:

C. B. 13. A bill to locate the county-seat of Pierce county;
C. B. 14. A bill to locate the county-seat of King county;
C. B. 15. A bill to locate the county-seat of Jefferson county;
C. B. 16. A bill to appoint officers for Pierce county;
C. B. 17. A bill to appoint officers for King county;
C. B. 18. A bill to appoint officers for Island county.

C. B. 21. A bill to create and regulate the office of prosecuting attorney;

Was read a second time, and,

On motion of Mr. Hall,

Said bill was referred to a committee of the whole.

C. B. 19. A bill to establish a probate court, and define its duties and powers,

Was read a second time, and,

On motion of Mr. Hall,

Said bill was referred to a committee of the whole for Monday, the 10th inst.

C. B. 22. A bill to amend an act entitled an act to provide for and regulate general elections,

Was read a second time, and,

On motion of Mr. Hall,

Said bill was referred to a committee of the whole for Monday, the 10th inst.

H. B. 23. A bill to establish the county-seat of Jackson county,

Was read a third time and passed.

Mr. Phelps, from the committee on engrossed bills, reported the following bill, to wit:

C. B. No. 3. A bill for the relief of Polk county,

As truly engrossed.

C. B. No. 3. A bill for the relief of Polk county,

Was read a third time and passed.

A message from the House by their clerk, Mr. White:—

Mr. President: I am directed by the Speaker to inform you that the accompanying bill—

H. B. 27. A bill to create and organize the county of Wasco,

Has passed the House, and is herewith transmitted, and the concurrence of the Council requested.

H. B. 27. A bill to create and organize the county of Wasco,

Was read a first time.

On motion of Mr. Humphrey,

The Council resolved itself into a committee of the whole on

H. B. 16. A bill to locate a Territorial road from Lafayette to Marysville;

C. B. 21. A bill to create and regulate the office of prosecuting attorney;

H. B. 21. A bill to locate a Territorial road St. Helens to Hillsborough;

C. B. 2. A bill concerning the limitation of personal actions;

H. B. 22. A bill to locate a Territorial road from Sandy to Chehalem Valley; and

H. J. R. 14. In regard to the public lands east of the Cascade Mountains;

Mr. Phelps in the chair.

After some time spent therein, the committee rose and the Presi-

dent resumed the chair, and Mr. Phelps reported that the committee of the whole, having had under consideration

H. B. 16. To locate a Territorial road from Lafayette to Marysville,

The committee recommend that it do not pass.

C. B. 21. A bill to create and regulate the office of prosecuting attorney,

With the following amendments, to wit:

1st amendment. Section tenth, fourth line, after the words "district court," insert "during the sitting of the grand jury."

2d amendment. Section eleventh, second line, after the words "paid by the," strike out the word "proper;" and after the word "county," in said line, insert the words "where or to which the service was rendered."

H. B. 21. A bill for a Territorial road from St. Helens to Hillsborough;

Recommend that it do not pass.

C. B. 2. A bill concerning the limitation of personal actions;

And recommend the adoption of House amendments to said bill.

H. B. 22. A bill to locate a Territorial road from Sandy to Chehalem Valley,

Without recommendation.

H. J. R. 14. In regard to the public lands east of the Cascade Mountains,

And recommend the passage of the following amendment, to wit:

After the words "actual settlers," strike out the remaining portion of the resolution, and insert "upon the provisions and principle of the donation law approved September 27, 1850."

1st amendment to C. B. 2. A bill concerning the limitation of personal actions, to wit: Amend section first by inserting in seventh line, after the word "some," the word "one."

On motion of Mr. Waymire,

Said first amendment to C. B. 2 was concurred in.

2d amendment, to wit: Amend fourth section, in third line, by striking out the word "three" and inserting the word "two."

On motion of same,

Said second amendment to C. B. 2 was concurred in.

Amendment to H. J. R. 14. In regard to the public lands east of the Cascade Mountains, was as follows, to wit: After the words "actual settlers," strike out the remaining portion of the resolution and insert "upon the provisions and principles of the donation law, approved September 27, 1850."

On motion of Mr. Waymire,

Said amendment was adopted.

On motion of Mr. Hall,

H. J. R. 14. In regard to the public lands east of the Cascade Mountains,

As amended by the committee of the whole, was passed.

On motion of Mr. Hall,

H. B. No. 21. An act to locate a Territorial road from St. Helens to Hillsborough,

Be read a third time, which motion was lost.

First amendment to

C. B. 21. A bill to create and regulate the office of prosecuting attorney,

As follows, to wit: Amend section tenth, fourth line—after the words "district court," insert "during the sitting of the grand jury."

On motion of Mr. Waymire,

Said amendment to C. B. 21 was adopted.

2d amendment to C. B. 21. Amend section eleventh, second line—after the words "paid by the," strike out the word "proper," and after the word "county," in said line, insert the words, "when or to which the service was rendered."

On motion of same,

Said second amendment to C. B. 21 was adopted.

On motion of Mr. Hall,

C. B. 21. A bill to create and regulate the office of prosecuting attorney,

Was ordered to be engrossed and read a third time on Monday, 10th inst.

On motion of Mr. Waymire,

H. B. No. 22. An act to locate a Territorial road from Sandy to Chehalem Valley,

Was laid upon the table until Monday, the 10th inst.

On motion of Mr. Waymire,

H. B. No. 16. An act to locate a Territorial road from Lafayette to Marysville,

Was laid upon the table until Monday, the 10th inst.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bills, to wit:

C. B. 13. A bill to locate the county-seat of Pierce county,
C. B. 14. A bill to locate the county-seat of King county,
C. B. 15. A bill to locate the county-seat of Jefferson county,
C. B. 16. A bill to appoint officers for the county of Pierce,
C. B. 17. A bill to appoint officers for King county,
C. B. 18. A bill to appoint officers for the county of Island,

And they are herewith transmitted to the Council for your signature.

The President announced that he had signed the following bills, to wit:

C. B. 13. A bill to locate the county-seat of Pierce county,
C. B. 14. A bill to locate the county-seat of King county,

C. B. 15. A bill to locate the county-seat of Jefferson county,
C. B. 16. A bill to appoint officers for the county of Pierce,
C. B. 17. A bill to appoint officers for King county,
C. B. 18. A bill appointing officers for Island county,

On motion of Mr. Waymire,
The Council adjourned until Monday next at 10 A. M.

MONDAY, JAN. 10, 1853—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.
Absent—Messrs. Garrison and Lovejoy.
The journal was read and approved.
Mr. Phelps, from the committee on engrossed bills, reported the following bills as truly engrossed, to wit:

C. B. 8. A bill concerning the embezzlement of timber floating;
C. B. 12. A bill to distribute the school funds collected in the county of Thurston in the year 1852, between the counties of Island, Jefferson, Pierce, King, and Thurston;
C. B. 21. A bill to create and regulate the office of prosecuting attorney.

Mr. Humphrey, from the committee on enrolled bills, reported the following bill as truly enrolled, to wit:

C. B. 2. A bill concerning the limitation of personal actions.

H. B. 27. A bill to create the county of Wasco,
Was read a second time, and,
On motion of Mr. Waymire,
Said bill was referred to the committee of the whole.
C. B. 21. A bill to create and regulate the office of prosecuting attorney,
Was read a third time and passed.
C. B. 12. A bill to distribute the school funds collected in the county of Thurston, in the year 1852, between the counties of Island, Jefferson, Pierce, King, and Thurston,
Was read a third time and passed.
C. B. 8. A bill concerning the embezzlement of timber floating,
Was taken up for a third reading, when,
On motion of Mr. Hall,
Said bill was laid upon the table.

H. B. 16. A bill locating a Territorial road from Lafayette to Marysville,

Was taken up for a third reading, when

Mr. Deady offered the following amendment, to wit: After the word "Marysville," insert "via Dallas, in Polk county,"

Which was adopted, and the bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey, Phelps, Scott, and Mr. President—4.

Those who voted in the negative are
Messrs. Hall and Waymire—2.

Absent—Messrs. Garrison and Lovejoy.

So the bill (H. B. 16. A bill locating a Territorial road from Lafayette to Marysville) was passed.

A message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill:

H. B. 7. A bill to create a board of commissioners to prepare a code of laws for the Territory;

And it is herewith transmitted to the Council, and concurrence requested.

H. B. 7. A bill to create a board of commissioners to prepare a code of laws for the Territory,

Was read a first time.

A message from the House, by their clerk, Mr. White:

Mr. President:—I am directed by the Speaker to inform you that he has signed the accompanying bills:

H. B. No. 2. A bill to establish the county-seat of Thurston county;

H. B. 9. A bill to divorce D. S. Maynard from his wife, Lydia;

H. B. 10. A bill to establish a board of pilotage;

H. B. 17. A bill to create and organize Pierce county;

H. B. 18. A bill to create and organize the county of King;

H. B. 19. A bill to create and organize Island county;

H. B. 20. A bill to create and organize Jefferson county;

And they are herewith transmitted to the Council for your signature.

The President announced that he had signed the following bills, to wit:

H. B. 2. A bill to establish the county seat of Thurston county;

H. B. 9. A bill to divorce D. S. Maynard from his wife, Lydia;
H. B. 10. A bill to establish a board of pilotage;
H. B. 17. A bill to create and organize Pierce county;
H. B. 18. A bill to create and organize the county of King;
H. B. 19. A bill to create and organize Island county;
H. B. 20. A bill to create and organize the county of Jefferson.

Mr. Scott, on leave, introduced a bill—
C. B. 23. A bill for road tax,
Which was read a first time.
On motion of Mr. Hall,
The Council adjourned until 2 P. M.

AFTERNOON SESSION.—2 P. M.

The Council met pursuant to adjournment.
Mr. Deady, on leave introduced a bill—
C. B. 24. A bill to provide for the collection and publication of the laws and archives of Oregon,
Which was read a first time.
Mr. Waymire, from a select committee, reported a bill—
C. B. 25. A bill to creat a lien upon the property of criminals in certain cases,
Which was read a first time, and,
On motion of Mr. Waymire,
The rules were suspended, and said bill was read a second time, and,
On motion of same,
Said bill was ordered to be engrossed, and read a third time to-morrow.
Messages from the House, by their clerk, Mr. White:
MR. PRESIDENT: I am directed by the Speaker to inform you that the House refuse to concur in the adoption of Council amendment to
H. J. R. 14. In regard to the public lands east of the Cascade Mountains;
And it is herewith transmitted to the Council.

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bill:
C. B. 2. A bill concerning the limitation of personal actions.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House refuse to concur in the adoption of Council amendment to
H. B. 16. A bill to locate a Territorial road from Lafayette to Marysville;
And it is herewith transmitted to the Council.

On motion of Mr. Waymire,
The Council insist upon their amendment to
H. B. 16. A bill to locate a Territorial road from Lafayette to Marysville.

On motion of Mr. Phelps,
The Council insist upon their amendment to
H. J. R. 14. In regard to the public lands east of the Cascade Mountains.
On motion of Mr. Garrison,
The Council resolved itself into a committee of the whole on
C. B. 22. A bill to amend an act entitled an act to provide for and regulate general elections;
C. B. 19. A bill to establish a probate court and define its duties and powers;
Mr. Phelps in the chair.
After same time spent therein, the committee rose, and the President resumed the chair, and,
On motion of Mr. Hall,
The Council adjourned until 10, A. M. to-morrow.

TUESDAY, JAN. 11, 1853—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.
Absent—Mr. Lovejoy.
The journal was read and approved.
Mr. Phelps, from the committee on engrossed bills, reported
C. B. 25. A bill to create a lien upon the property of criminals in certain cases,
As truly engrossed.
C. B. 24. A bill to provide for the collection and publication of the laws and archives of Oregon,
Was read a second time, and,
On motion of Mr. Waymire,
Said bill was considered engrossed, and ordered to be read a third time to-morrow.
C. B. 23. A bill for a road tax,
Was read a second time, and,
On motion of Mr. Garrison,
Said bill was referred to a committee of the whole.
H. B. 27. A bill to create a board of commissioners to prepare a code of laws for the Territory,
Was read a second time, and,
On motion of Mr. Waymire,
Ordered to be read a third time to-morrow.

C. B. 25. A bill to create a lien upon the property of criminals in certain cases,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows, to wit:

Those who voted in the affirmative are
Messrs. Garrison, Hall, Phelps, Scott, and Waymire—5.

Those who voted in the negative are
Messrs Humphrey and Mr. President—2.

Absent—Mr. Lovejoy.

So the bill (C. B. 25. A bill to create a lien upon the property of criminals in certain cases,) was passed.

A message from the House, by their clerk, Mr. White:

Mr. President:—I am directed by the Speaker to inform you that the House has passed the accompanying resolution:

C. J. R. 12. In regard to requesting the Secretary of the Territory to furnish money to pay the charges on a box of books now in charge of Adams & Co.;

And the same is herewith transmitted to the Council.

Mr. Waymire introduced the following resolution (C. J. R. 13);

Whereas, the office of Surveyor General of the public lands in Oregon was established at Oregon City by the President of the United States, and since that office has been opened at that place, nearly all the lands that was and are now occupied have been surveyed and proved up by the citizens of that section of country, and two-thirds of the inhabitable portion of country lies south of Oregon City, to force them to go to Oregon City to adjust their land claims, would devolve on them great trouble and traveling expenses; beside, the expenses there are much higher than further south. By referring to the map, it is an incontrovertible fact that the Seat of Government is the proper place for said office: therefore,

Resolved by the Council, the House concurring, That His Excellency, the President of the United States, is respectfully solicited to have said office of Surveyor General of the public lands in Oregon removed to Salem, the Seat of Government, at as early day as practicable.

On motion of Mr. Garrison,
Said resolution was adopted.

Mr. Waymire introduced the following resolution (C. J. R. 14):

Resolved by the Legislative Assembly of the Territory of Oregon, That the chief clerk of the Council be and hereby is authorized to furnish the Territorial Printer with a copy of the "Ordinance and Articles of Compact of 1787," to be by him published in the volume of session laws of 1852–'53.

Which was read a first time, and,
On motion of Mr. Hall,
The rules were suspended, and said resolution was read a second time, and,
On motion of Mr. Garrison,
The rules were further suspended, and said resolution was read a third time and passed.

Mr. Phelps, from the committee of the whole, reported

C. B. 22. A bill to amend an act entitled an act to provide for and regulate general elections,

With the following amendment, to wit: Strike out in first section, second line, the word "September," and insert "June."

On motion of Mr. Waymire,

C. B. 22. An act to amend an act entitled an act to provide for and regulate general elections,

With amendments, be indefinitely postponed, the yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Hall, Scott, and Waymire—4.

Those who voted in the negative are
Messrs. Humphrey, Phelps, and Mr. President—3.

Absent—Mr. Lovejoy.

So the bill was indefinitely postponed.
On motion of Mr. Garrison,
The Council resolved itself into a committee of the whole on
C. B. 23. A bill for a road tax;
Mr. Waymire in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Waymire reported that the committee of the whole, having had under consideration

C. B. 23. A bill for a road tax,

And report the same back to the Council without amendment, and that it be referred to a select committee.

On motion of Mr. Scott,

Said bill (C. B. 23. A bill for a road tax,) was referred to a special committee of three.

The President appointed Messrs. Scott, Phelps, and Garrison, as said committee on

C. B. 23. A bill for a road tax.

On motion of Mr. Waymire,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

C. B. 20. A bill appointing officers for Jefferson county;

And it is herewith transmitted to the Council, where it originated, for enrollment.

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole on unfinished business, to wit:

H. B. 27. A bill to create and organize the county of Wasco;

C. B. 19. A bill to establish a probate court, and define its duties and powers;

Mr. Garrison in the Chair.

After some time spent therein, the committee rose and Mr. Garrison reported that the committee of the whole, having had under consideration

H. B. 27. A bill to create and organize the county of Wasco,

Report the same back to the Council with sundry amendments; also,

C. B. 19. A bill to establish a probate court, and define its duties and powers,

Report the same back to the Council with amendments, and recommend it be referred to a special committre.

1st amendment to H. B. 27. A bill to create and organize Wasco county, as follows, to wit: Strike out the words "provide for the creation of," and insert the words "create the county of."

On motion of Mr. Garrison,

Said amendment was adopted.

2d amendment to said bill (H. B. 27): Strike out the word "Wasco," wherever it occurs in the bill, and insert the word "Wascopani."

On motion of Mr. Waymire,

Said second amendment was adopted.

3d amendment to said bill (H. B. 27): Section fourth—Strike out and insert "The county of Wascopani is hereby attached to the county of Clark for judicial purposes.

On motion of Mr. Humphrey,

Said third amendment was adopted.

On motion of Mr. Garrison,

H. B. 27. A bill to create and organize the county of Wasco,

As amended, was read a third time and passed.

On motion of Mr. Waymire,

C. B. 19. A bill to establish a probate court, and define its duties and powers,

Was referred to a select committee of three to re-draft section thirteenth of said bill.

The President appointed Messrs. Waymire, Humphrey, and Phelps, as said committee.

A message from the House, by their clerk, Mr White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the accompanying bill—

H. B. 33. A bill to incorporate the Willamette University,

Has passed the House, and is herewith transmitted to the Council, and concurrence requested.

H. B. 33. A bill to incorporate the Willamette University,

Was read a first time.

On motion of Mr. Phelps,

The Council adjourned until 10, A. M., to-morrow.

WEDNESDAY, JAN. 12, 1853—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.

Absent—Mr. Lovejoy.

The journal of yesterday was read and approved.

Mr. Humphrey, from the committee on enrolled bills, reported

C. B. 12. A bill to distribute the school funds collected in the county of Thurston, in the year 1852, between the counties of Island, Jefferson, Pierce, King, and Thurston;

C. B. 20. A bill appointing officers for Jefferson county,

As truly enrolled.

Mr. Scott, from the select committee to whom was referred

C. B. 23. A bill for a road tax,

Report the same, with the following amendment, to wit:

Section 1. Amend by striking out all after the word "counties," in the 8th line, and insert "Each supervisor, upon receiving such list, shall proceed to collect so much of said taxes therein contained

as are set to the names of persons residing in his district, in labor, at such rate per day as he shall deem equitable, in the same manner, and under the same restrictions, as are provided by law for the appliance of other labor on roads and highways under the direction of supervisors: *Provided, however*, that if any tax payer named in such list shall choose so to do, he may pay the amount of his tax in money; and the supervisor shall thereupon cross such tax on the list, or give his receipt for the same, and the supervisor shall cause such money to be expended in the best manner practicable, for the improvement of roads and highways in his district."

Mr. Garrison, from the committee to whom was referred

C. B. 7. A bill concerning estray animals,

Report the same back to the Council, with the following amendments;

Strike out after the enacting clause, and insert as follows: That every person finding an estray animal, or any number of them, upon his farm or premises, may take said animal or animals up, as an estray or estrays, provided the owner or owners are not known to the person or persons finding said estray animal or animals.

SEC. 2. It shall be the duty of every person who shall take up an estray animal, or any number of them, to go forthwith before some justice of the peace of the county, and make oath before such justice, that he does not know who is the owner or owners of said animal, and that he was in no way accessory to any of the said animals coming to his said farm or residence; and that the brands or marks have not been defaced or altered since the taking up of said animals; and shall give an accurate description of the kinds, marks, brands, color, and age, as near as may be, of any such estray; and such justice shall file the same in his office, and within ten days thereafter transmit a true copy of the same to the clerk of the county commissioners of his county, to be by him kept for the inspection of all persons concerned; and said justice shall receive the sum of one dollar, to be paid by the person or persons taking up such estray or estrays; and the clerk shall receive the sum of fifty cents from all persons applying to inspect such notices.

SEC. 3. It shall be the duty of every person taking up such estray animal or animals, within ten days after making the affidavit required in the second section of this act, to have an accurate and full description of the kind, marks, brands, color, and age, as near as may be, of said animals published in some public newspaper for four consecutive weeks.

SEC. 4. The owner of any estray taken up under the provisions of this act shall, at any time within one year from the time of making the affidavit required by the second section of this act, have the same by proving and clearly establishing his or her right to such estray or estrays, and paying all charges to the person or persons taking up said estray or estrays, to be awarded by any justice of the peace of the proper county.

SEC. 5. At the expiration of twelve months, provided the owner of such estray does not come forward, claim and prove the same agreeable to the provisions of this act, the person taking up the same shall turn over such estray or estrays to the sheriff of the proper county; and said sheriff shall sell the same in like manner as property sold under execution, and pay the same in the county treasury of the proper county, after paying the person or persons taking up such estrays the expenses and charges awarded by the said justice, and his own fees.

SEC. 5. And it shall be lawful for any person claiming the proceeds of the sale of such estray or estrays, to make claim to the same before the county commissioners, and an order shall issue for the net proceeds thereof on the county treasury, on proof of title to the same.

SEC. 7. If any person shall take or send away any estray or estrays out of the Territory, on any pretence whatsoever, or shall trade, sell, or barter the same, or take them out of the county to remain out more than three days at any one time, or fail to turn over the same to the sheriff of the proper county according to the provisions of the fifth section of this act, said person so offending shall pay double the value of such animal or animals, to be recovered in any court in this Territory having competent jurisdiction, and moreover shall pay to the owner the value of such animal or animals, or if no owner appear, then to the county, for the use of said owner.

SEC 8. This act to take effect and be in force from and after its passage.

Mr. Waymire, from a special committee to whom was referred C. B. 19. A bill to establish a probate court and define its duties and powers,

Report the same back to the Council, with the following amendment, to wit: Amend section twelfth by striking out and inserting as follows:

SEC. 12. He shall have authority to cause to come before him, by citation, all and any person or persons whom he may deem it necessary to examine as witnesses, or who, as executors, administrators, guardians, or otherwise, shall be interested with, or in any way accountable for any lands, tenements, goods or chattels, belonging to any minor, orphan, or person of unsound mind, or the estate of any deceased person; and may examine, on oath or affirmation, such person or persons touching any such estate or guardianship before him; and any such person summoned to appear before him, who shall refuse to appear, or, when present, shall refuse to be examined as a witness, or touching said estate or guardianship, he or they shall be liable to be punished as for contempt in the district court.

Section 38. Add as follows, to wit:

Provided, that in the county of Yamhill, the probate judge shall pay over to the county treasurer all fees by him received under this act, quarterly, on the first Monday of January, April, July, and October, and take duplicate receipts therefor, one of which he shall retain, and the other file in the office of the county commissioners, which receipt shall be sufficient to charge said treasurer with the receipt of said fee. The probate judge in said county shall receive an annual salary of six hundred dollars, to be paid out of the county treasury, quarterly, at the time of making payment of fees to the county treasurer.

H. B. No. 33. A bill to establish the Willamette University,
Which was read a first time, and,
On motion of Mr. Garrison,
Ordered to be engrossed and read a third time to-morrow.
On motion of Mr. Scott,
The amendment to C. B. No. 7. A bill concerning estray animals,
Was adopted.
C. B. No. 7. A bill concerning estray animals,
Was read a second time, and,
On motion of Mr. Garrison,
Said bill (C. B. No. 7), was ordered to be engrossed and read a third time to-morrow.
On motion of Mr. Humphrey,
The amendments to C. B. No. 23. A bill for a road tax,
Was adopted.
C. B. No. 23. A bill for a road tax,
Was read a second time, and,
On motion of Mr. Hall,
Said bill (C. B. No. 23) was ordered to be engrossed and read a third time to-morrow.
On motion of Mr. Garrison,
The amendment to C. B. No. 19. A bill establishing a probate court and define its duties and powers, to section 12,
Was adopted.
On motion of Mr. Waymire,
The amendment to section 38 of said bill (C. B. No. 19),
Was adopted.
C. B. No. 19. A bill to establish a probate court and define its duties and powers,
Was read a second time, and,
On motion of Mr. Garrison,
Said bill was ordered to be engrossed and read a third time on Friday next.
H. B. No. 7. A bill to create a board of commissioners to prepare a code of laws for the Territory,

Was read a third time, and the yeas and nays being demanded by Mr. Deady, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Lovejoy.

So the bill passed.

C. B. No. 24. A bill to provide for the collection and publication of the laws and Archives of Oregon,

Was read a third time, and the yeas and nays being demanded by Mr. Deady, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

So the bill passed.

On motion of Mr. Garrison,

C. B. No. 8. A bill concerning embezzlement of timber floating,

Was laid upon the table until Tuesday, 18th inst.

A message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker of the House to inform you that the House have passed the accompanying bill—

H. B. No. 39. A bill to regulate the service and return of process,

And it is herewith transmitted to the Council, and concurrence requested.

H. B. No. 39. A bill to regulate the service and return of process,

Was read a first time.

A message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker of the House to inform you that the House concur with the Council in the first amendment to H. B. No. 27, and refuse to concur with the Council in the adoption of the second and third amendments to said bill.

And it is herewith transmitted to the Council.

Mr. Garrison moved,

That the Council insist upon their amendments to H. B. No. 27. A bill to create the county of Wasco.

The yeas and nays being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative,

Mr. Hall—1.

Absent—Mr. Lovejoy.

So the motion was adopted.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. No. 48. A bill to locate a territorial road from Marysville to Winchester.

And it is herewith transmitted to the Council and concurrence requested.

H. B. No. 48. A bill to amend an act entitled an act to locate a territorial road from Marysville to Winchester,

Was read a first time.

On motion of Mr. Garrison,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

A message from the House by their Clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that the House have passed the accompanying bills—

H. B. No. 43. A bill to incorporate the Willamette Falls Milling and Transportation Company;

H. B. No. 49. A bill to amend an act entitled an act to locate a territorial road from Clatsop to Willamette Valley.

Also, H. B. No. 50. A bill to locate the county-seat of Lane county.

And are herewith transmitted to the Council and concurrence requested.

H. B. No. 49. A bill to amend an act entitled an act to locate a territorial road from Astoria to Willamette Valley,

Was read a first time.

H. B. No. 43. A bill to incorporate the Willamette Falls Milling and Transportation Company,

Was read a first time.

H. B. No. 50. A bill to locate the county-seat of Lane county,

Was read a first time.

On motion of Mr. Garrison,

The rules were suspended, and

H. B. No. 39. A bill to regulate the service and return of process,

Was taken up and read a second time, and

Mr. Waymire moved that said bill be indefinitely postponed.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are,

Mr. Garrison—1.

Absent—Mr. Lovejoy.

So said bill was indefinitely postponed.

On motion of Mr. Hall,

The rules were suspended, and

H. B. No. 43. A bill to incorporate the Willamette Falls milling and transportation company,

Was read a second time, and

On motion of Mr. Garrison,

Said bill was referred to a committee of the whole, for to-morrow.

On motion of Mr. Garrison,

The rules were suspended, and

H. B. No. 49. A bill to amend an act entitled an act to locate a territorial road from Astoria to Willamette Valley,

Was taken up and read a second time, and

On motion of Mr. Waymire,

The rules were further suspended, and

H. B. 49. A bill to amend an act entitled an act to locate a territorial road from Astoria to Willamette Valley,

Was read a third time and the yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, and Mr. President—6.

Those who voted in the negative are,

Mr. Waymire—1.

So said bill was passed.

On motion of Mr. Humphrey,

The rules were suspended, and

H. B. 50. A bill to locate the county-seat of Lane county,

Was taken up and read a second time, and

Mr. Humphrey offered the following amendment to said bill as follows, to-wit:

Amend by striking out all after the enacting clause and substitute as follows:

SEC. 1. That the qualified electors of the county of Lane be and they are hereby authorized to vote for the permanent location of the county-seat of said county at an election hereby authorized to be held therein, on the first Monday in June, A. D., 1853, and the polls shall be opened at the usual place of holding elections, which shall be conducted in the same manner as is provided by law for holding elections.

SEC. 2. The sheriff of said county shall give at least ten days' notice of said election by posting or causing to be posted, three written or printed notices in the vicinity of each place where the polls are to be held, which notices shall state the object and the place and time of holding the same.

SEC. 3. It shall be competent and lawful for each qualified elector, as specified in the first section of this act, to vote at said election for such place as he may think proper to designate, which place may be described in the name of the occupant or occupants of the land claim or claims embracing the same, (as donation of A, or A B, &c.,) for permanent county-seat of said county. Each ballot to contain the words, written or printed, or partly written and partly printed—"For permanent county-seat," (naming the place); and no vote shall be thrown out for any irregularity, if the intention of the elector is clearly specified.

SEC. 4. The votes shall be canvassed by the judges of elections of the several precincts at which votes shall be polled, and the returns signed and sealed up by the said judges, who shall appoint one of their number who shall deliver the same, with the votes cast, to the clerk of the board of county commissioners of said county, within one week from the time of holding said election.

SEC. 5. On Tuesday of the week next succeeding the election, the board of county commissioners shall meet at the place established for holding the district court in said county, and proceed to make an estimate and statement of the votes cast as follows: They shall make a duplicate statement, written out in words at length, of the whole number of votes polled at said election, and the names of places voted for, for county-seat, and the number of votes each said place received, which statement shall be certified as correct, and attested by the signature of said board of county commissioners, one of which statements shall be filed in the office of commissioners' clerk and recorded in a suitable book provided for that purpose, and if any one shall have received a majority of all the votes cast, the other statement shall forthwith be forwarded to the Secretary of the Territory, to be by him filed in his office, and the said Secretary shall publish in the newspaper in which the laws of the Territory are officially published, a certified copy of such statement, and if it shall appear from the statement so made, that any one place has received a majority of votes cast at such election, then such place shall be deemed and declared to be the permanent county-seat of said county.

SEC. 6. If, upon canvassing the votes, as is provided for in the preceding section of this act, it shall appear that no one place has

received a majority of all the votes cast, then the board of commissioners, shall ascertain and determine the number of places voted for within an extent of two miles, and compute the same as cast for the place having the highest number of votes so included; and if it shall appear that a majority of votes shall have been cast for places within an extent of two miles, the board of commissioners shall proceed to select a site for the county-seat, within one mile of the places having the highest number of votes so included; and they shall establish the same upon any donation included, which in their judgment shall best conduce to the interest of the county; and they shall forward a statement of their proceedings, and the name of the place by them selected, to the Secretary of the Territory, in accordance to the provision of section five of this act, and the secretary shall cause the same to be published as required by the aforesaid section of this act.

SEC. 7. But if, upon canvassing the votes, it shall appear that no one place or places included within an extent of two miles, shall have received a majority of all the votes polled, then a new election for choosing a location for a permanent county seat, shall be held on the first Monday of October, A. D. 1853, and the sheriff shall cause like notices to be given of the election so ordered, which notice shall also contain the names of two places having the highest number of votes for permanent county-seat, at the preceding election, and no vote cast at such second election shall be counted unless it designate the name of one of the two places, having the highest number of votes at the previous election.

SEC. 8. This act shall take effect from and after its passage.

Which was adopted.

On motion of same,

The rules were suspended and said bill—

H. B. 50. A bill to locate the county-seat of Lane county,

Was read a third time, and the yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Lovejoy.

So the bill—

H. B. 50. A bill to locate the county-seat of Lane county,

Passed.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that Messrs. Avery and Martin have been appointed a committee on part of the House, to confer with a like committee on the part of the Council, the appointment of which is requested,

and take into consideration the difference between the two Houses, in regard to Council amendment to

H. B. 10. A bill to locate a territorial road from Lafayette to Marysville.

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House has passed the accompanying bill—

H. B. 51. A bill to amend an act to establish a seminary in Washington county;

And it is herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT:—I am directed by the Speaker to inform you that Messrs. Cole and Martin have been appointed a committee on the part of the House, to meet and confer with a like committee on part of the Council, the appointment of which is requested, and take into consideration the difference between the two Houses in regard to Council amendment to

H. J. R. 14. In regard to the public lands east of the Cascade mountains.

H. B. 51. A bill to amend an act to establish a seminary in Washington county,

Was read a first time.

The President appointed Messrs. Waymire and Humphrey as a committee of conference on the part of the Council, on

H. J. R. 14. In regard to the public lands east of the Cascade mountains,

And Messrs. Scott, and Garrison as a committee of conference on the part of the Council, on

H. B. 16. A bill to locate a territorial road from Lafayette to Marysville.

On motion of Mr. Phelps,

The Council adjourned until 10, A. M. to-morrow.

THURSDAY, JAN. 13, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.

Absent—Mr. Lovejoy.

The journal of yesterday was read and approved.

Mr. Waymire, from the judiciary committee, made the following report, to wit:

REPORT

Of the Judiciary Committee on the Petition for the relief of Isaac Hutchens.

The judiciary committee, to whom was referred the petition for the relief of Isaac Hutchens, would submit the following report:

That the committee are of the opinion that the cause of relief sought for and set forth in said petition is a matter that properly belongs to the county commissioners to settle; they are alone acquainted with the equity of the claim, as made by an officer of their own county; for he is an officer created, and his fees paid, by the proper county; and to his county alone he is required to report and make settlement for all his official acts in said county, and not to the Legislative Assembly. There can be no good reason shown that the Legislative Assembly is the proper tribunal to audit and allow the unadjusted accounts of sheriffs or their deputies, coroners, or constables. This course, if adopted, would, in the opinion of the committee, be a direct insult to the acting county commissioners, by directly interfering in their official duty, who alone should have control over all such accounts. The committee do not wish to change the long established custom of settling accounts of sheriffs. To assume the power now asked for, would, in the opinion of the committee, be calculated to introduce fraud, which would do great injustice to the Territorial and county treasury, and that without remedy; therefore, the committee recommend that the further consideration of the prayer of the petition be dispensed with.

Which was read, and,
On motion of Mr. Garrison,
Said report was adopted.

Mr. Phelps, from the committee on engrossed bills report,
C. B. 7. A bill concerning estray animals, and
C. B. 23. A bill for a road tax,
As truly engrossed.

H. B. 51. A bill to amend an act entitled an act to establish a seminary in Washington county,
Was read a second time, and,
On motion of Mr. Hall,
Said bill was ordered to be read a third time to-morrow.

H. B. 48. A bill to amend an act entitled an act to locate a Territorial road from Marysville to Winchester,
Was read a second time, and
Mr. Scott moved the following amendment to said bill, to wit:
Strike out the words "James Heatherly and Addision R. Flint," and insert William Roberts and Metrius Vanderpool;"
Which was agreed to.

On motion of Mr. Garrison,
Said bill was ordered to be read a third time to-morrow.
C. B. 23. A bill for a road tax,
Was read a third time and passed.
C. B. 7. A bill concerning estray animals,
Was read a third time and passed.
H. B. 33. A bill to establish the Willamette University,
Came up for a third reading, when
Mr. Phelps offered the following amendment to said bill:

1st amendment. In the eighth line of the preamble strike out the word "enlightened," and insert "enlightening of the;"

Which was read a first time, and,
On motion of Mr. Garrison,
The rules were suspended, and said amendment was read a second time, and,
On motion of Mr. Hall,
The rules were further suspended, and said amendment was read a third time and passed.
Mr. Phelps offered the following amendment, to wit:

Second amendment to said bill, as follows: At the end of section seventh add—"The president of the board of trustees shall annually, in the month of December, make a report to the Secretary of the Territory of the names and officers of the faculty, the names of the teachers, and the branches taught by them, the number of pupils taught in the University during the year, the number in the second classes respectively, and the names and degree of the graduates; and it shall be the duty of the Secretary to place and keep on file in his office such report, which shall at all times be open for the inspection of any person or persons wishing to examine the same."

Which was read a first time, and,
On motion of Mr. Waymire,
The rules were suspended, and said second amendment was read a second time, and,
On motion of Mr. Garrison,
The rules were further suspended, and said second amendment was read a third time and passed.
H. B. 33. A bill to establish the Willamette University,
Was read a third time, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.
Absent—Mr. Lovejoy.

So the bill (H. B. 33. A bill to establish the Willamette University,) was passed.

Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills and resolution:

H. B. 8. A bill entitled an act directing the proceedings in chancery;

H. B. 15. A bill to amend an act to provide for and regulate general elections;

H. B. 31. A bill to regulate the election and duties of constables;

H. B. 45. A bill to amend an act entitled an act for enforcing the liens of mechanics in certain cases; and

H. J. R. 18. In regard to appointing a joint committee to memorialize the President elect on certain subjects;

And they are herewith transmitted, and concurrence requested.

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill:

H. B. 53. A bill entitled an act for the preservation of clams and oysters;

And it is herewith transmitted, and concurrence requested.

H. J. R. 18.

Whereas, the change of administration in the government of the United States will bring a change in the officers of this Territory: therefore,

Be it resolved by the House, the Council concurring, That there be a select committee of three appointed on the part of the House to act in conjunction with a like committee on the part of the Council, to memorialize His Excellency, Franklin Pierce, President elect of the United States, to appoint such persons to fill the various offices in this Territory as the people shall designate at the general election to be held in June next.

Which was read, and

Mr. Waymire moved that it be indefinitely postponed.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Phelps, Scott, Waymire and Mr. President—6.

Those who voted in the negative are

Mr. Hall—1.

Absent—Mr. Lovejoy.

So said resolution was indefinitely postponed.

On motion of Mr. Waymire,
The Council adjourned until 2 P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.
H. B. 53. A bill for the preservation of clams and oysters,
Was read a first time.
H. B. 15. A bill to amend an act to provide for and regulate general elections,
Was read a first time.
H. B. 45. A bill to amend an act entitled an act for enforcing the liens of mechanics in certain cases,
Was read a first time.
H. B. 31. A bill regulating the election, powers, and duties of constables,
Was read a first time.
H. B. 8. A bill amendatory of an act entitled an act directing the mode of proceeding in chancery,
Was read a first time.
A message from the House, by their clerk, Mr White:

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bill—
H. B. 23. A bill locating the county-seat of Jackson county;
And it is herewith transmitted for your signature.

The President announced that he had signed
H. B. 23. A bill locating the county-seat of Jackson county.
On motion of Mr. Garrison,
The Council resolved itself into a committee of the whole on
H. B. 43. A bill to incorporate the Willamette Falls canal, milling and transportation company,
Mr. Garrison in the chair.
After some time spent therein, the committee rose and the President resumed the chair, and Mr. Garrison reported that the committee of the whole, having had under consideration
H. B. 43. A bill to incorporate the Willamette Falls canal, milling and transportation company,
Report sundry amendments, and ask leave to sit again.
On motion of Mr. Scott,
The Council adjourned until 9, A. M., to-morrow.

FRIDAY, JAN. 14, 1853—9 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.

Absent—Mr. Lovejoy.

The journal of yesterday was read and approved.

Mr. Phelps, from the committee on engrossed bills, report

C. B. 19. A bill to establish a probate court and define its duties and powers,

As truly engrossed.

Mr. Scott, from the committee on conference, made the following report to wit:

The committee of conference appointed to take into consideration the difference between the Council and House of Representatives upon Council amendment to H. B. 16, would beg leave to report that they have agreed to recommend, in the place of said Council amendment, the following: Insert in seventh line of section first, between the words "Marysville" and "on," "via Dallas, Polk county, if said commissioners shall consider that."

Mr. Humphrey moved that said report be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey, Phelps, Scott, and Mr. President—4.

Those who voted in the negative are
Messrs. Hall and Waymire—2.
Absent—Messrs. Garrison and Lovejoy.

So the report was adopted.

Mr. Waymire introduced the following resolution (C. J. R. 15):

WHEREAS, the Pacific mail steamship company have long violated their contract to carry the mail from Panama, New Grenada, to Astoria, Oregon, by repeated failures, and by regular detention of from ten to fifteen days at a way office (San Francisco); therefore,

Be it resolved by the Legislative Assembly of the Territory of Oregon, That the Postmaster General be requested to call the attention of said company to the requirements of their contract with the United States Government, and take measures to have the same observed; and the chief clerk of the Council is directed to transmit a certified copy of this preamble and resolution to the Postmaster General.

Mr. Waymire moved that said resolution be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humprey, Hall, Phelps, Scott, Waymire, and Mr. President—6.

In the negative—none.
Absent—Messrs. Garrison and Lovejoy.

So the resolution was adopted.
H. B. 31. A bill regulating the powers and duties of constables,
Was read a second time, and,
Mr. Waymire offered the following amendment to said bill, to wit:
1st amendment. Section third, first line, after the word "conducted," insert "and returns made thereof." After the word "and," in first line; strike out until the words "the clerk," in second line.

Said amendment was adopted.
Mr. Scott moved the following amendment to said bill, as follows, to wit:

Strike out all after the word "constable," in eighteenth line of fourth section; and before the word "said," in the thirty-third line of same section.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:
Those who voted in the affirmative are

Mr. Scott—1.

Those who voted in the negative are

Messrs. Garrison, Humphrey, Hall, Phelps, Waymire, and Mr. President—6:

Absent—Mr. Lovejoy.
So the amendment was lost.
Mr. Scott offered the following amendment to said H. B. 31, to-wit:
In the second line of 5th section, between the words constable and heretofore, insert "by this act or;"
Which was adopted.
Mr. Garrison offered the following amendment to said H. B. 31:
Strike out section 2d and insert—"Every person who at the time of election is a qualified voter, shall be eligible to the office of constable.
Which was adopted.
On motion of Mr. Waymire,

Said bill—

H. B. 31. A bill to regulate the office and duties of constables,

Was ordered to be read a third time to-morrow.

H. B. 15. A bill amendatory to an act to provide for and regulate general elections,

Was read a second time, and,

On motion of Mr. Garrison,

Said bill was ordered to be read a third time to-morrow.

H. B. 53. A bill for the preservation of clams and oysters,

Was read a second time, and

On motion of Mr. Waymire,

Said bill was ordered to be read a third time to-morrow.

H. B. 8. A bill amendatory of an act entitled "An act directing the mode of proceeding in chancery,

Was read a second time, and,

On motion of Mr. Garrison,

Said bill was referred to a committe of the whole.

H. B. 45. A bill amendatory of an act entitled "An act for enforcing the liens of mechanics in certain cases,

Was read a second time, and,

On motion of Mr. Garrison,

Said bill was referred to a committee of the whole.

H. B. 48. A bill to amend an act entitled "An act to locate a territorial road from Marysville to Winchester,

Was read a third time and passed.

H. B. 51. A bill to amend an act entitled "An act for locating a seminary in Washington county,"

Was read a third time and passed.

C. B. 19. A bill to establish a probate court and define its duties and powers,

Was read a third time, when,

Mr. Deady offered the following amendment to said bill, to-wit:

1st section, 3d line, after the words "who shall," strike out the remainder of the sentence, and insert "have the qualification of a voter,"

Which was read a first time, and,

On motion of Mr. Waymire,

The rules were suspended, and

Said amendment was read a second time, and

On motion of same,

The rules were further suspended, and

Said amendment was read a third time, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Lovejoy.

So the amendment was adopted.

Mr. Phelps offered the following amendment to C. B. 19:

Amend by striking out of the 33d section all after the word "annexed," in the fifth line.

Which was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended, and

Said amendment was read a second time, and

On motion of same,

The rules were further suspended, and

Said amendment was read a third time and passed.

The question recurring on the final passage of

C. B. 19. A bill to establish a probate court and define its duties and powers, as amended.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Hall, Phelps, Scott, Waymire, and Mr. President—6.

In the negative—none.

Absent—Messrs. Humphrey, and Lovejoy.

So the bill—

C. B. 19. A bill to establish a probate court and define its duties and powers,

Passed.

On motion of Mr. Garrison,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that he has signed the accompanying bill and resolution, to-wit:

C. B. 20. A bill appointing officers for Jefferson county;

Also, C. J. R. 12. In regard to requesting the Secretary to pay the charges on a box in the office of Adams & Co.;

And they are herewith transmitted to the Council, where they originated, for your signature.

MR. PRESIDENT: I am directed by the Speaker to inform you that Messrs. Chenoweth and Cole have been appointed a committee of conference on part of the House, on the difference between the two Houses, on

H. B. 27. A bill to create and organize Wasco county,

To confer with a like committee on part of the Council, the appointment of which is requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has adopted the report of the committee of conference to whom was referred the difference between the two Houses, on

H. B. 16. A bill to locate a territorial road from Lafayette to Marysville;

The President announced that he had signed

C. B. 20. A bill appointing officers for Jefferson county; and

C. J. R. 12. In regard to requesting the Secretary to pay the charges on a box in the office of Adams & Co.

The President announced that he had appointed Messrs. Hall and Humphrey, as a committee of conference on

H. B. 27. A bill to create and organize the county of Wasco,

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole on such business as may be before them;

Mr. Garrison in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Garrison reported that the committee of the whole having had under consideration

H. B. 43. A bill to incorporate the Willamette Falls milling and transportation company,

Reports it back to the Council with sundry amendments.

Also, H. B. 8. A bill to amend an act directing the proceedings in chancery,

And report it back to the Council with a recommendation that it be indefinitely postponed, and

H. B. 45. An act to amend an act entitled "An act for enforcing the liens of mechanics in certain cases,"

Report it back to the Council and recommend that it do not pass.

On motion of Mr. Garrison,

The report of the committee of the whole, on

H. B. 45. An act to amend an act entitled "An act for enforcing liens of mechanics in certain cases,"

Recommend that it do not pass, which motion was agreed to.

On motion of Mr. Waymire,

The report of the committee of the whole on

H. B. 8. An act to amend an act directing the proceedings in chancery,

Recommend that it be indefinitely postponed, which motion was agreed to.

The amendments from the committee of the whole on H. B. 43, to-wit:

First amendment to H. B. 43. A bill to incorporate the Willamette Falls milling and transportation company, to-wit:

Section 1st, 4th line, after the word "water," strike out the words "at the" and insert "on the west side of," which was,

On motion of Mr. Waymire,

Adopted.

Second amendment to said bill, to-wit:

Section 4. Said company is hereby authorized to have and enjoy the right to transport goods, merchandise, or freight of any kind, up and down and around the west side of the Willamette river at said Falls; *Provided*, that said company shall never interfere or obstruct the free passage of any person or persons, their stock, goods, merchandise, or freight of any kind up and down and around the west side of the Willamette river at said falls, upon and over any road or public highway now used for such purpose, to which

Mr. Hall offered the following amendment to the amendment, to section 4:

Said company to have and enjoy the exclusive control and management of the transportation of all goods, merchandise, and freight up and down and through the canal on the west side of the Willamette Falls, at the rates provided in the fifth section of this act, during the period of five years, and it shall not be lawful to grant a charter to any other company for the construction of any other canal or rail-road on the west side of said falls, during the said five years; any person or persons may, however, by and with the means of their own conveyance, by wagon or cart, carry their own goods of any and every kind, or the goods of any other person or persons, up and down and around said falls, on the west side of said Willamette river at said falls, upon any public roads or highway, without any let or hindrance by said company at any time or in any way whatever.

To which the yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey and Hall—2.

Those who voted in the negative are,
Messrs. Garrison, Phelps, Scott, Waymire, and Mr. President—5.
Absent—Mr. Lovejoy.

So the amendment to the amendment was lost.

The question recurring on the amendment No. 2,

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are,
Messrs. Garrison, Phelps, Scott, Waymire, and Mr. President—5.

Those who voted in the negative are
Messrs Humphrey and Hall—2.
Absent—Mr. Lovejoy.

So the amendment was adopted.

Third amendment to said bill, as follows, to wit: Strike out section eighth and insert as follows:

SEC. 8. Said company shall annually report, under the oath of the directors, to the Legislative Assembly, on or before the second Monday of the session, the actual cost of all improvements made, constructed and used under this act, for the transportation of goods, merchandize and freight, and the expenses necessarily incurred in the management of the same, together with the entire receipts therefrom. If said company shall at any time take or receive, directly or indirectly, for transportation, more than the compensation allowed by law, the person paying the same shall be entitled to recover back the amount so taken or received, in an action for money had and received, with costs of suit. It shall not be lawful for said company, in the construction of any break-water, dam, mill, or other improvement under this act, so to construct the same as to put in jeopardy or peril, in seasons of high water or floods, beyond what it otherwise would be, any mill, break-water, or other improvement upon or connected with the Abernethy Island, on the east side of the Willamette river at said falls. Said company shall at all times forward, without unnecessary delay, all goods, merchandize, and freight, which may be offered for transportation over or around said falls by means of said improvement. Said goods, merchandize, or freight may, in the order in which they arrived; and if said company shall at any time fail or refuse to comply with this provision, they shall be liable to any person aggrieved thereby in damages not to exceed the market value of such goods, merchandize, or freight so detained.

Mr. Waymire moved that the said amendment be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Phelps, Scott, Waymire, and Mr. President—5.

Those who voted in the negative are
Messrs. Humphrey and Hall—2.
Absent—Mr. Lovejoy.

So the amendment was adopted.

On motion of Mr. Garrison,

H. B. 43. A bill to incorporate the Willamette Falls milling and transportation company,

Was ordered to be read a third time to-morrow.

On motion of Mr. Phelps,

The Council adjourned until 10 A. M. to-morrow.

SATURDAY, JAN. 15, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President.

Absent—Mr. Lovejoy.

The journal of yesterday was read and approved.

H. B. 43. A bill to incorporate the Willamette Falls milling and transportation company,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, and Scott—5.

Those who voted in the negative are
Messrs. Waymire and Mr. President—2.
Absent—Mr. Lovejoy.

So H. B. 43. A bill to incorporate the Willamette Falls milling and transportation company, passed.

H. B. 31. A bill regulating the powers and duties of constables,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.
Absent—Mr. Lovejoy.

So H. B. 31. A bill regulating the powers and duties of constables, passed.

H. B. 53. A bill to provide for the preservation of clams and oysters,

Was read a third time, when

Mr. Garrison moved the following amendment to said bill:

Section first, ninth line, after the word "penalty," strike out "of," and insert "not exceeding,"

Which was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended, and said amendment was read a second time, and

On motion of Mr. Humphrey,

The rules were further suspended, and said amendment was read a third time and passed.

The question recurring on the final passage of said bill, (H. B. 53. A bill to provide for the preservation of clams and oysters,)

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Lovejoy.

So H. B. 53. A bill to provide for the preservation of clams and oysters, passed.

H. B. 15. A bill to amend an act entitled an act to provide for and regulate general elections,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Lovejoy.

So H. B. 15. A bill to amend an act entitled an act to provide for and regulate general elections, passed.

Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker of the House to inform you that the House have passed the accompanying resolutions, to wit:

C. J. R. 15. In relation to the Pacific mail company,

With an amendment.

H. J. R. 22. In regard to Cayuse war claims.

H. J. R. 24. In regard to requesting our delegate in Congress to use his influence to procure an amendment to the land law.

And they are herewith transmitted, and concurrence requested.

Mr. President:—I am directed by the Speaker to inform you that the House concur with the Council in third amendment to

H. B. 48. A bill to locate a territorial road from Marysville to Winchester;

Also, that the House has passed the accompanying bills, to wit:

H. B. 13. Entitled an act to provide for taking the sense of the people on the question of the formation of a state government; also,

H. J. R. 25. In regard to instructing our Delegate in Congress to use his influence to increase the salaries of collectors of customs;

And they are herewith transmitted, and concurrence requested.

H. B. 13. A bill entitled an act to provide for taking the sense of the people on the question of the formation of a state government,

Was read a first time, and

Mr. Garrison moved that said bill be rejected, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are

Mr. Hall—1.

Absent—Mr. Lovejoy.

So said bill was rejected.

Mr. Garrison moved the following amendment to House amendment to C. J. R. 15. In relation to the Pacific mail steamship company, as follows:

Strike out the word "office" and insert "San Francisco," so that House amendment shall follow the latter word;

Which was adopted.

H. J. R. 24. In regard to requesting our Delegate in Congress to use his influence to procure an amendment to the land law.

Mr. Waymire moved the following amendment to said resolution, as follows:

Strike out the words, "school trustees" and insert the words "county commissioners;"

Which was agreed to.

Mr. Garrison moved the following amendment to said resolution:

2d amendment. Strike out in eighth line, after the word, "two," "roads and;"

Which was agreed to.

On motion of Mr. Garrison,

Said resolution was referred to a select committee.

The President appointed Messrs. Garrison, Phelps, and Waymire as said committee.

H. J. R. 22. In regard to Cayuse war claims, was,

On motion of Mr. Waymire,

Concurred in.

H. J. R. 25. In regard to collectors of customs, was,

On motion of Mr. Scott,

Concurred in.

Mr. Deady introduced the following resolution (C. J. R. 16):

WHEREAS, the regular transportation of the mails from all parts of the Territory and the States to the seat of government, during the session of the Legislative Assembly, is a matter of vital importance to the whole people of this Territory;

AND WHEREAS, six weeks have elapsed since the meeting of the Assembly, during which time but one mail has arrived at the capital; therefore,

Be it resolved by the Legislative Assembly of Oregon Territory, That our Delegate in Congress be requested to bring this matter before the Postmaster General, and have the Postal Agent in this Territory specially instructed to see that the mails are faithfully and punctually conveyed;

Which was read, and

Mr. Waymire offered the following amendment to said resolution, as follows:

Amend by adding to the resolution "or that the present Postal Agent be removed;"

Which was agreed to.

The question recurring on the passage of the resolution,

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Phelps, Waymire, and Mr. President—5.

Those who voted in the negative are

Mr. Scott—1.

Absent—Messrs. Hall and Lovejoy.

So the resolution as amended was passed.

Mr. Humphrey, on leave, introduced a bill,

C. B. 26. A bill for the relief of Addison R. Flint and others,

Which was read a first time, and

On motion of Mr. Phelps,

The rules were suspended, and said bill was read a second time, and

Mr. Scott moved to strike out the word "Umpqua;"

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affimative are

Messrs. Phelps and Scott—2.

Those who voted in the negative are

Messrs. Lovejoy, Humphrey, Hall, Waymire, and Mr. President—5.

Absent—Mr. Lovejoy.

So the amendment was not agreed to.

On motion of Mr. Humphrey,

Said bill was considered engrossed and ordered to be read a third time on Monday, the 17th inst.

A message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker of the House to inform you that the House has passed the accompanying resolution,

H. J. R. 25. In regard to instructing our Delegate in Congress, to endeavor to obtain land in lieu of section 16 and 36, where such are claimed by actual settlers;

And the concurrence of the Council requested.

H. J. R. 25. In regard to instructing our Delegate in Congress, to endeavor to obtain land in lieu of section 16 and 36,

Which was read, and

On motion of Mr. Waymire,

Said resolution was laid on the table until Wednesday 19th inst.

On motion of Mr. Phelps,

The Council adjourned until Monday the 17th inst., at 10, A. M.

MONDAY, Jan. 17, 1853—10, A. M.

The Council met pursuant to adjournment.

Present — Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President.

Absent—Messrs. Hall and Lovejoy.

The journal of Saturday was read and approved.

Mr. Garrison, from a select committee, to whom was referred

H. J. R. 24. In regard to instructing our Delegate in Congress, to obtain lands in lieu of section 16 and 36, made the following report, to-wit:

Your committee to whom was referred H. J. R. 24, with amendments report that, whereas, H. J. R. 25, on the same subject, is before the Council, therefore, your committee recommend that H. J. R. 24, with the amendments, do not pass.

On motion of Mr. Waymire,

Said report was adopted.

C. B. 26. An act for the relief of Addison R. Flint and others,

Was read a third time, and

Mr. Scott offered the following amendment to said bill, to-wit:

After the word days, insert "and in the same manner,"

Which was read a first time, and

On motion of Mr. Garrison,

The rules were suspended and said amendment was read a second time, and

On motion of the same,

The rules were further suspended and said amendment was read a third time and passed.

The question recurring on the passage of
C. B. 26. An act for the relief of Addison R. Flint and others,
Was passed.
A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that the House refuse to concur with Council in amendment to
H. B. 43. A bill to incorporate the Willamette Falls canal, milling, and transportation company,
Have indefinitely postponed the further consideration of
C. J. R. 16. In relation to carrying mails,
And concurred in your amendments to
H. J. R. 15. In reference to Pacific mail-steamship company.
The House have also adopted the following memorial on the subject of dividing the Territory;
And they are herewith transmitted, and concurrence requested.
Mr. Waymire moved,
That the Council insist upon their amendments to
H. B. 43. A bill to incorporate the Willamette Falls canal, milling, and transportation company, and
The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Phelps Scott, Waymire, and Mr. President—5.

Those who voted in the negative are
Messrs. Humphrey and Hall—2.

Absent—Mr. Lovejoy.
So the motion was adopted.
On motion of Mr. Garrison,
The Council adjourned until 2 P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.
House memorial in regard to the division of the Territory,
Was read, and
On motion of Mr. Humphrey,
Said memorial was laid on the table until to-morrow.
A message from the House, by their clerk, Mr White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bills—
H. B. 4. An act to amend an act entitled an act concerning the jurisdiction of the supreme and district courts; also,

H. B. 47. A bill to increase the number of Representatives of the Legislative Assembly of Oregon;

And they are herewith transmitted, and concurrence requested.

H. B. 4. An act to amend an act entitled "An act concerning the jurisdiction of the supreme and district courts,

Was read a first time.

H. B. 47. A bill to increase the number of Representatives of the Legislative Assembly,

Was read a first time.

Mr. Scott, on leave, introduced a bill—

C. B. 27. A bill to incorporate the Winchester bridge company,

Was read a first time.

On motion of Mr. Waymire,

The Council adjourned until 10 A. M., to-morrow.

TUESDAY, JAN. 18, 1853—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

The journal of yesterday was read and approved.

Mr. Hall, from the committee of conference, made the following report, to-wit:

The committee of conference, to whom was referred H. B. 27, beg leave to report as follows, to-wit:

Recommend the concurrence of Council amendment 1st and 2d—In lieu of 3d amendment insert at the end of the 4th section—"and hold one term of the district court commencing on the fourth Tuesday in August in each year."

Which was read and laid on the table.

Mr. Humphrey, from the committee of conference, made a minority report on H. B. 27, to-wit:

The minority of the committee, to whom was referred the matter of disagreement existing between the two Houses on the Council amendment No. 3, to House bill 27, amended by the Council by attaching the same to Clark county for judicial purposes, respectfully ask leave to make a minority report: That from the absence of all petition asking the Legislative Assembly to create such new county, and from the sparseness of the population and doubtful propriety of laying off

a county embraced within those limits, with all due diffidence of respect to the opinion of the majority of the committee, can arrive at no other conclusion than that the Council should continue to adhere to their amendment.

Mr. Waymire moved that said minority report be adopted.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,
Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are
Messrs. Hall and Lovejoy.

So said minority report was adopted.

Mr. Deady, on leave, introduced a bill,

C. B. 28. A bill to change the north line of Yamhill county,

Which was read a second time, and,

On motion of Mr. Waymire,

The rules were suspended, and

C. B. 28. A bill to change the north line of Yamhill county,

Was read a first time, and

On motion of Mr. Waymire,

So said bill was referred to a committee of the whole.

Mr. Lovejoy, on leave, introduced a bill—

C. B. 29. A bill to allow set-offs in certain cases,

Which was read a first time.

C. B. 27. A bill to incorporate the Winchester bridge company,

Was read a second time, and,

On motion of Mr. Lovejoy,

So said bill was ordered to be engrossed and read a third time to-morrow.

H. B. 47. A bill to increase the number of Representatives in the Legislative Assembly in the Territory of Oregon,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was referred to a committee of the whole.

H. J. R. 25. In relation to section 16 and 36,

Was taken up from the table, when

Mr. Waymire moved that said resolution be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So the resolution was adopted.

C. B. 8. A bill concerning the embezzlement of timber floating,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So said bill—

C. B. 8. A bill concerning the embezzlement of timber floating,

Was passed.

House memorial in relation to the division of the Territory,

Was taken up, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So the memorial passed.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 46. Entitled an act to create a board of commissioners to erect the Territorial University building and define their duties,

And it is herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying resolution:

H. J. R. 26. Requesting our Delegate in Congress to use his influence to obtain a fixed salary for the post-masters at Astoria,

And it is herewith transmitted to the Council and concurrence requested.

H. B. 46. A bill to create a board of commissioners to erect the Territorial University buildings,

Was read a first time.

H. J. R. 26. Requesting our Delegate in Congress to use his influence to procure a salary for the post-master at Astoria.

Mr. Waymire moved the adoption of said resolution,

Which was agreed to.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying resolution:

C. J. R. 13. In relation to the Surveyor General's Office,

And it is herewith transmitted to the Council, where it originated, for enrollment.

On motion of Mr. Waymire,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Lovejoy.

The Council resolved itself into a committee of the whole on

C. B. 28. A bill to change the northern boundary line of Yamhill county; and

H. B. 47. A bill to increase the number of Representatives in the Legislative Assembly of the Territory of Oregon;

Mr. Waymire in the Chair.

And after sometime spent therein, the committee rose and the President resumed the chair, and

Mr. Waymire reported that the committee of the whole having had under consideration

C. B. 28. A bill to change the northern boundary line of Yamhill county;

And report the same back to the Council without amendment and recommend that it pass; and

H. B. 47. A bill to increase the number of Representatives in the Legislative Assembly of the Territory of Oregon,

And report the same back to the Council without amendment, and recommend that it pass.

On motion of Mr. Lovejoy,

The report of the committee of the whole on C. B. 28, was adopted.

On motion of Mr. Waymire,

The report of the committee of the whole on H. B. 47, was adopted.

On motion of Mr. Lovejoy,

The rules were suspended, and

C. B. 28. A bill to change the northern boundary line of Yamhill county,

Was read a third time and

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, and Mr. President—6.

Those who voted in the negative are
Messrs. Hall and Waymire—2.

So said bill—

C. B. 28. A bill to change the northern boundary line of Yamhill county,

Passed.

On motion of Mr. Hall,

The rules were suspended, and

H. B. 47. A bill to increase the number of Representatives of the Legislative Assembly of Oregon,

Be read a third time now, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So said bill was read a third time, and

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

Those who voted in the negative are
Mr. Phelps—1.

So said bill—

H. B. 47. A bill to increase the number of Representatives of the Legislative Assembly of Oregon,

Passed.

On motion of Mr. Humphrey,

The Council adjourned until at 10 A. M. to-morrow.

WEDESDAY, JAN. 19, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

The journal of yesterday was read and approved.

Mr. Phelps, from the committee on engrossed bills, reported
C. B. 27. A bill to incorporate the Winchester bridge company,
As truly engrossed.
Mr. Waymire, on leave, introduced a bill—
C. B. 30. An act to amend an act entitled an act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon,
Which was read a first time, and
On motion of Mr. Garrison,
The rules were suspended, and said bill—
C. B. 30. An act to amend an act entitled an act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon,
Was read a second time, and
On motion of Mr. Waymire,
Said bill was considered engrossed and ordered to be read a third time to morrow.
On motion of Mr. Garrison,
The vote on engrossing and ordering C. B. 30 to be read a third time to-morrow, was reconsidered.
On motion of same,
Said bill—
C. B. 30. An act to amend an act entitled an act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon,
Was considered engrossed and ordered to be read a third time on Friday the 21st inst.
Mr. Garrison moved that twenty-five additional copies of C. B. 30, be ordered printed.
The yeas and nays, being demanded by Mr. Lovejoy, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Waymire, and Mr. President—5.

Those who voted in the negative are
Messrs. Lovejoy, Phelps, and Scott—3.
So the motion was agreed to.

C. B. 29. A bill to allow set-offs in certain cases,
Was read a second time, and
On motion of Mr. Lovejoy,
Said bill was ordered to be engrossed and read a third time to-morrow.
H. B. 4. A bill to amend an act entitled an act concerning the jurisdiction of the supreme and district courts,
Was read a second time, and
On motion of Mr. Lovejoy,
Said bill was ordered to be read a third time to-morrow.

H. B. 46. An act to create a board of commissioners to erect the Territorial University building and define their duties,

Was read a second time, and

On motion of Mr. Waymire,

Said bill was ordered to be read a third time to-morrow.

C. B. 27. A bill to incorporate the Winchester bridge company,

Was read a third time, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, and Mr. President—7.

Those who voted in the negative are

Mr. Waymire—1.

So said bill—

C. B. 27. A bill to incorporate the Winchester bridge company,

Was passed.

H. B. 22. A bill to locate a Territorial road from Sandy to Chehalem,

Was taken up, and

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

C. B. 1. A bill for the relief of Abraham Sulger,

Was taken up, and

Mr. Waymire moved that said bill be indefinitely postponed.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Waymire, and Mr. President—6.

Those who voted in the negative are

Messrs. Hall and Scott—2.

So C. B. 1. A bill for the relief of Abraham Sulger, was indefinitely postponed.

A message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has rejected

C. B. 28. An act to change the northern boundary line of Yamhill county;

And it is herewith transmitted to the Council, where it originated.

On motion of Mr. Phelps,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

Mr. Lovejoy, from the committee on enrolled bills, reported as follows:

The joint committee on enrolled bills have carefully examined the following Council joint resolutions, Nos. 13 and 15, and report them as correctly enrolled.

A message from the House, by their clerk, Mr. White:

Mr. President:—I am directed by the Speaker of the House to inform you that the House do not concur with the Council in amendments to

H. B. 43. A bill to incorporate the Willamette Falls canal, milling, and transportation company,

And have appointed Messrs. Simpson, Cole, and Gibbs, a committee of conference.

On motion,

The President appointed Messrs. Phelps, Humphrey, and Waymire, as a committee of conference on the part of the Council, to act with a like committee from the House, on

H. B. 43. A bill to incorporate the Willamette Falls canal, milling, and transportation company.

Mr. Phelps, from the committee on engrossed bills, reported

C. B. 29. A bill allowing set-offs in certain cases,

As truly engrossed.

A message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House have passed the accompanying bill—

H. B. 57. A bill to create and establish the office of county recorder;

And the same is herewith transmitted for your concurrence.

H. B. 57. A bill to create and establish the office of county recorder,

Was read a first time.

On motion of Mr. Waymire,

The Council adjourned until 10, A. M. to-morrow.

THURSDAY, JAN. 20, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, and Mr. President.

Absent—Mr. Waymire,

The journal of yesterday was read and approved.

H. B. 57. A bill to create and establish the office of county recorder,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was referred to committee of the whole.

C. B. 29. A bill to allow set-offs in certain cases,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So C. B. 29. A bill to allow set-offs in certain cases, was passed.

H. B. 4. A bill to amend an act entitled an act to define the jurisdiction of the supreme and district courts,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So H. B. 4. A bill to amend an act entitled an act defining the jurisdiction of the supreme and district courts, was passed.

H. B. 22. A bill to locate a territorial road from Sandy to Chehalem Valley,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, and Scott—5.

Those who voted in the negative are

Messrs. Phelps, Waymire, and Mr. President—3.

So H. B. 22. A bill to locate a territorial road from Sandy to Chehalem Valley, was passed.

H. B. 46. A bill to create a board of commissioners to erect the Territorial University building, and define their duties,

Was read a third time, and,

On motion of Mr. Lovejoy,

Mr. Phelps was excused from voting on H. B. 46.

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

In the negative—none.

So H. B. 46. A bill to create a board of commissioners to erect the Territorial University building, and define their duties, was passed.

Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying resolution—

H. J. R. 28. In relation to authorizing the House committee, to whom was referred the petition of Susan Marvin, praying a divorce, to send for persons and papers;

And it is herewith transmitted to the Council, and concurrence requested.

Mr. President:—I am directed by the Speaker to inform you that he has signed the following bills and joint resolutions, to-wit:

H. B. 5. An act to amend an act entitled an act to establish a seminary in Washington county;

H. B. 15. An act to amend an act to provide for and regulate general elections;

H. B. 53. An act for the preservation of clams and oysters;

H. B. 49. An act to amend an act entitled an act to locate a territorial road from Clatsop to the Willamette Valley;

H. B. 33. An act to establish the Willamette University;

H. B. 7. An act to create a board of commissioners to prepare a code of laws for this Territory;

H. J. R. 25. Concerning the salary of collector at the mouth of the Umpqua River;

H. J. R. 22. Concerning commissioners on Cayuse war claims;

H. B. 47. An act to increase the number of Representatives to the Legislative Assembly of Oregon;

C. J. R. 15. In relation to Pacific mail steamship company;

C. J. R. 13. In relation to the Surveyor General's office;

And they are herewith transmitted for your signature.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 64. An act to regulate the fees of the sheriff of Clatsop and Pacific counties;

And it is herewith transmitted, and concurrence requested.

H. B. 64. An act to regulate the fees of the sheriff of Clatsop and Pacific counties,

Was read a first time.

The President announced to the Council that he had signed the following bills, to wit:

H. B. 5. An act to amend an act entitled an act to establish a seminary in Washington county;

H. B. 15. An act to amend an act to provide for and regulate general elections;

H. B. 58. An act for the preservation of clams and oysters;

H. B. 49. An act to amend an act entitled an act to locate a territorial road from Clatsop to the Willamette Valley;

H. B. 33. An act to establish the Willamette University;

H. B. 7. An act to create a board of commissioners to prepare a code of laws for this Territory;

H. J. R. 25. Concerning the salary of collector at the mouth of the Umpqua River;

H. J. R. 22. Concerning commissioners on Cayuse war claims;

H. B. 47. An act to increase the number of Representatives to the Legislative Assembly of the Territory of Oregon;

C. J. R. 15. In relation to Pacific mail steamship company;

C. J. R. 13. In relation to the Surveyor General's office.

The President announced to the Council the resignation of the Territorial Librarian as follows, to wit:

SALEM, MARION COUNTY, O. T., January 18, 1858.

PRESIDENT OF THE COUNCIL—

Sir: I hereby tender my resignation through you to the Council as Territorial Librarian, elected by the Assembly in December, 1851, to take effect on the 20th inst.

L. J. RECTOR,
Territorial Librarian.

On motion of Mr. Lovejoy,
Said resignation was accepted.
On motion of Mr. Garrison,
The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole on

H. B. 57. A bill to create and establish the office of county recorder;

Mr. Hall in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Hall reported that the committee of the whole, having had under consideration

H. B. 57. A bill to create and establish the office of county recorder,

And report the same back to the Council, and recommend that it be referred to the judiciary committee.

On motion of Mr. Waymire,

The report of the committtee of the whole on H. B. 57, it be referred to the judiciary committee,

Which was adopted.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying—

C. B. 12. A bill to distribute the school funds collected in the county of Thurston in the year 1852, between the counties of Island, Jefferson, Pierce, and King;

And it is herewith transmitted to the Council, where it originated, for enrollment.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying resolution—

C. J. R. 14. In relation to the Ordinance of 1787;

And it is herewith transmitted to the Council for enrollment.

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bill—

H. B. 48. An act to amend an act entitled an act to locate a territorial road from Marysville to Winchester;

And it is herewith transmitted for your signature.

The President announced that he had signed

H. B. 48. An act to amend an act entitled an act to locate a territorial road from Marysville to Winchester.

On motion of Mr. Waymire,

The Council adjourned until 10 A. M., to-morrow.

FRIDAY, JAN. 21, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

The journal of yesterday was read and approved.

H. B. 64. An act to regulate the fees of the sheriff of Clatsop and Pacific counties,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was referred to a committee of the whole.

C. B. 30. An act to amend an act to provide for selection of places for location and erection of public buildings of the Territory of Oregon,

Was read a third time, and

Mr. Waymire moved that the first blank of said bill be filled with the names of Eli M. Barnum, Albert W. Ferguson, and John Richardson,

Which was agreed to.

Mr. Waymire moved to strike out the word "second," in the thirteenth line of section two, and insert "first,"

Which was agreed to.

The question being, "Shall the bill pass?"

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So C. B. 30. An act to amend an act entitled an act to provide for selection of places for location and erection of the public buildings of the Territory of Oregon, was passed.

H. J. R. 5. In relation to a military road from Columbia Barracks to the Dalles,

Was taken up, when

Mr. Lovejoy moved to strike out all after the word "whereas," and insert as follows:

The great necessity of a military road from Fort Boise, across the Cascade Mountains to the upper part of the Willamette Vallley; therefore,

Be it resolved, That our Delegate in Congress, be and hereby is requested to use his influence in the Congress of the United States

to obtain an appropriation to have said road surveyed, and if found practicable, opened and completed;

Which was agreed to.

Mr. Lovejoy moved that said resolution be referred to a select committee of three,

Which was agreed to.

The President appointed Messrs. Lovejoy, Hall, and Garrison, as said committee.

Messages from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House concur with the Council in their amendments to

H. B. 31. A bill to provide for the election of, and defining the duties of constables.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory;

And it is herewith transmitted, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker of the House to inform you that he has signed

H. B. 50. A bill to locate the county-seat of Lane county,

And it is herewith transmitted for your signature.

The President announced that he had signed

H. B. 50. A bill to locate the county-seat of Lane county.

H. B. 34. A bill to lay out and define the judical district of Oregon Territory,

Was read a first time.

On motion of Mr. Lovejoy,

The Council adjourned until 2 P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole on

H. B. 64. A bill to regulate the fees of the sheriff of Clatsop and Pacific counties;

Mr. Garrison in the chair.

And after sometime spent therein, the committee rose and the President resumed the chair, and

Mr. Garrison reported that the committee of the whole having had under consideration

H. B. 64. A bill to regulate the fees of the sheriff of Clatsop and Pacific counties,

And report the same back to the Council without amendment, and recommend that said bill do pass.

Mr. Hall moved that the report of the committee of the whole, on H. B. 64. A bill to regulate the fees of the sheriff of Clatsop and Pacific counties, be adopted;

Which was agreed to.

On motion of Mr. Lovejoy,

H. B. 64. A bill to regulate the fees of the sheriff of Clatsop and Pacific counties,

Was ordered to be read a third time to-morrow.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 72. A bill to regulate judicial proceedings in King and Island counties,

And it is herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has adopted the following resolutions, to-wit:

H. J. R. 30. In relation to granting divorces by Legislative Assembly;

H. J. R. 31. In relation to Council and House of Representatives assembling in Convention on the 27th day of January, 1853,

And the same are herewith transmitted for your concurrence.

H. B. 72. A bill to regulate judicial proceedings in King and Island counties,

Was read a first time.

H. J. R. 31. In relation to the Council and House of Representatives meeting in Convention;

Mr. Lovejoy moved the following amendment to said H. J. R. 31, as follows:

After the word "convention" add the words in the "Hall of the House of Representatives;"

Which was agreed to.

On motion of Mr. Hall,

Said resolution—

H. J. R. 31. In relation to the Council and House of Representatives meeting in Convention, as amended,

Was laid on the table.

H. J. R. 30. In relation to granting divorces by the Legislative Assembly.

Mr. Lovejoy moved that said resolution be adopted.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Phelps, Waymire, and Mr. President—3.

Those who voted in the negative are
Messrs. Garrison, Humphrey Hall, Lovejoy, and Scott—5.

So said resolution was not agreed to.
A message from the House, by their clerk, Mr White:

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the following bills, to-wit:
H. B. 4. An act to amend an act entitled an act concerning the jurisdiction of the supreme and district courts;
H. B. 46. An act to create a board of commissioners to erect the Territorial University and define their duties;
H. J. R. 25. In relation to instructing our Delegate in Congress to procure other lands in lieu of sections 16 and 36, where those lands are occupied by settlers at the time of survey;
And they are herewith transmitted to the Council for your signature.

The President announced that he had signed
H. B. 46. An act to amend an act entitled an act concerning the jurisdiction of the supreme and district courts;
H. B. 46. An act to create a board of commissioners to erect the Territorial University buildings and define their duties and powers;
H. J. R. 25. In relation to instructing our Delegate in Congress to procure other lands in lieu of section 16 and 36, where those lands are occupied by settlers at the time of survey.

Mr. Hall, on leave, introduced a bill—
C. B. 31. A bill for the relief of Washington county,
Which was read a first time.
Mr. Lovejoy, on leave, introduced a bill—
C. B. 2. A bill for the repeal of certain laws;
Which was read a first time.
On motion of Mr. Humphrey,
The Council adjourned until 10 A. M. to-morrow.

SATURDAY, JAN. 22, 1853—10 A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.
The journal of yesterday was read and approved.

H. B. 72. A bill to regulate judicial proceedings in King and Island counties,

Was read a second time, and

On motion of Mr. Waymire,

Said bill was ordered to a third reading on Monday the 24th inst.

H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory,

Was read a second time, and

On motion of Mr. Waymire,

Said bill was referred to the judiciary committee.

C. B. 32. A bill to repeal certain laws,

Was read a second time, and

On motion of Mr. Waymire,

Said bill was referred to the judiciary committee.

C. B. 31. A bill for the relief of Washington county,

Was read a second time, and

Mr. Deady offered the following amendment to C. B. 31, as follows:

Eist section, 4th line, after the word "dollars," insert "or so much thereof as may be found due by the Territorial Auditor."

On motion of Mr. Hall,

Said amendment was adopted.

On motion of Mr. Garrison,

Said bill—

C. B. 31. A bill for the relief of Washington county,

Was ordered to be engrossed and read a third time on Monday the 24th inst.

H. B. 64. A bill to regulate the fees of the sheriff of Clatsop and Pacific counties,

Was read a third time, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, and Mr. President—6.

Those who voted in the negative are

Messrs. Lovejoy and Waymire—2.

So said bill—

H. B. 64. A bill to regulate the fees of the sheriff of Clatsop and Pacific counties,

Was passed.

A message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 56. An act to prevent fraudulent conveyances;

And it is herewith transmitted to the Council and concurrence requested.

H. B. 56. An act to prevent fraudulent conveyances,

Was read a first time.

On motion of Mr. Waymire,

The Council adjourned until 2, P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House has passed the accompanying bill—

C. B. 30. An act to amend an act entitled an act to provide for the selection of places for location and erection of the public buildings of the Territory of Oregon,

With the accompanying amendments, and the concurrence of the Council is requested.

Amend section 2d, by striking out all between the words "expedient," in the 7th line, and the word "and" in the 12th line.

Insert between the word "buildings" and the word "upon," in the 13th line, the words "on the site selected by the commissioners named in the act to which this is an amendment."

Section 1st—Strike out the name of "John Richardson," and insert "Alvis Kimsey."

Mr. Waymire moved that said amendments be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So said amendments were concurred in.

Mr. Phelps, from the committee on engrossed bills, reported

C. B. 31. A bill for the relief of Washington county,

As truly engrossed.

On motion of Mr. Garrison,

The Council adjourned until Monday the 24th inst., at 10, A. M.

MONDAY, JAN. 24, 1853—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

The journal of Saturday was read and approved.

Mr. Lovejoy, from a select committee, to whom was referred H. J. R. 5, report as follows:

Strik out all after the first "whereas," and substitute as follows:

The location and improvement of a good practicable wagon road from some point near Fort Boise to the Willamette Valley, on the the nearest and best ground, is a matter of great importance to the future prosperity and settlement of this Territory, by affording increased facilities and inducements to emigration;

AND WHEREAS, said undertaking is a work national in it its character, by affording increased facilities for the settlement of the public lands west of the Rocky Mountains, and for the transportation of troops and military stores from the United States to the various military stations in the country through which said road would pass; therefore,

Be it resolved by the Legislative Assembly of the Territory of Oregon, That our delegate in Congress be and hereby is requested, at an early day, to take the necessary steps to procure a reconnoissance of the country between Fort Boise and the Willamette Valley, for the purpose of ascertaining the practicability of said undertaking; and if found practicable, to procure an appropriation sufficient to make a good wagon road from Fort Boise to such point in the Willamette Valley, and upon such route as said reconnoissance may ascertain and recommend as the nearest and best.

Mr. Waymire moved the adoption of said amendment.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Lovejoy, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are
Messrs. Humphrey and Hall—2.

So said amendment was adopted.

H. B. 56. A bill to prevent fraudulent conveyances,
Was read a second time, and,
On motion of Mr. Lovejoy,
Said bill was ordered to be read a third time to-morrow.

C. B. 31. A bill for the relief of Washington county,
Was read a third time, and
The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are,—
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So C. B. 31. A bill for the relief of Washington county, passed.
H B. 72. A bill to regulate judicial proceedings in King and Island counties,
Was read a third time, and
The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

Those who voted in the negative are
Mr. Humphrey—1.

So H. B. 72. A bill to regulate judicial proceedings in King and Island counties, was passed.
H. J. R. 31. In regard to the two Houses going into joint convention.
Mr. Garrison offered the following amendment: After the word "electing," sixth line, insert "three commissioners to prepare a code of laws, one Territorial Printer, and."
On motion of Mr. Lovejoy,
Said amendment was adopted.
On motion of Mr. Waymire,
The resolution, as amended, was agreed to.
Mr. Phelps, on leave, introduced a report of Wm. M. Macy and others, on the practicability of a route from the Upper Willamette Valley to Fort Boise.
Which was read, and,
On motion of Mr. Lovejoy,
One hundred copies of said report was ordered to be printed.
A message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House have amended Council amendment to
H. J. R. 31. In relation to the two Houses meeting in convention on Thursday, January 27, 1853;
And it is herewith transmitted, and concurrence requested.

House amendment to the Council amendment to H. J. R. 31, to wit: Insert, between the word "printer" and the word "and," "one university land commissioner."

Mr. Garrison moved the adoption of said amendment.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, Waymire, and Mr. President—6.

Those who voted in the negative are
Messrs. Lovejoy, and Scott—2.

So said House amendment to Council amendment was concurred in.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House concur in the Council amendment to

H. J. R. 5. In regard to a military road from Columbia Barracks to the Dalles.

Mr. Deady, on leave, introduced a bill—

C. B. 33. A bill to locate a Territorial road from Lafayette to Tilamook;

Which was read a first time.

Mr. Waymire, on leave, introduced the following resolution, (C. J. R. 17):

WHEREAS, a joint resolution was introduced in the Council Dec. 14, 1850, (journal of Council, page 24,)

Be it resolved by the Council, the House concurring therein, That Governor Gaines be and is hereby requested to transmit to the Territorial Librarian, an invoice and catalogue of the books purchased by him; also, the amount of money remaining in his hands unexpended, if any. But no reported catalogue can be found. A joint resolution was introduced and passed the Legislative Assembly, on the 8th of December, 1852, requesting the Governor "to report to Legislative Assembly, at an early day, the amount of money by him received and expended for the purchase of books for the Territorial Library, together with a catalogue of books purchased by him, and the amount of money remaining on hand, if any, and what disposition he has since made of the books so purchased." To which the Governor replied: "And have the honor to say that I received from the Treasury of the United States, three thousand dollars, which was vested in books, and books and maps, and placed in a room fitted up for the purpose, in Oregon City, and delivered nearly two years ago, to Mr. J. Turner, the Librarian elected by the Legislative Assembly, together with a catalogue of the entire purchase; since which time, I have exercised no control whatever over the Library." It is a well

remembered fact, that on the arrival of Governor Gaines, with the books purchased by him, Aaron E. Wait, was the legal Territorial Librarian, who had a room in which the Library was kept; but the Governor fitted up another room, and withheld the books from said Librarian, until J. Turner was elected, January 21, 1851, and soon afterwards he left for the States; and the Governor did assume the power to appoint a Librarian whilst the Legislative Assembly was in session. He did appoint a Mr. Allan P. Miller, Librarian, who did withhold the Library from L. J. Rector, Librarian, elected Dec. 16, 1851; and Governor Gaines took charge of the Library. See Council journal, page 21. See L. J. Rector's Librarian report, page 4th, 1st line: "I got no reply to this, but soon met the Governor. He desired me to go to his office. I did so. He there told me that Mr. Miller had given his resignation along with my note, and the key of the Library. He gave me the key and told me to take possession of the Library. I did so. I could find no papers relating to the Library, no bills, no schedules; in fact, nothing from which I could get a clue of what the Library ever consisted." See General Laws of Oregon, page 166, section 11: "Such other rules not inconsistent with this act, as may be necessary for the safe keeping and good management of the Library, may be adopted by the Governor and Librarian kept, together with a catalogue of books in the Library, for the inspection of those concerned." Such catalogue is not to be found, though the Legislative Assembly has exhausted all their patience and Legislative power of inquiry in vain; and unless the Legislative Assembly do adopt some more efficient mode of inquiry, they will remain uninformed of what the Library ever consisted. A large number of books are lost, and the Library very deficient in quantity and quality of books, for the amount of money appropriated, and does no credit to either the United States or the Territory, on account of the unfortunate and injudicious selection, and incomplete sets of reports; therefore,

Be it resolved by the Council, the House concurring therein, That our Delegate in Congress be and hereby is requested to use his best endeavors to obtain an appropriation of five thousand dollars, to be applied by the Governor to purchase a Territorial Library, for the Territory of Oregon,

Which was read, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

Those who voted in the negative are

Mr. Hall—1.

So the resolution was adopted.

On motion of Mr. Lovejoy,
The Council adjourned until 10, A. M. to-morrow.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.
A messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—
H. B. 42. A bill to provide for the payment of certain services rendered the Territory;
And it is herewith transmitted to the Council and concurrence requested.

H. B. 42. A bill to provide for the payment of certain services rendered the Territory,
Was read a first time.
On motion of Mr. Waymire,
The Council adjourned until at 10 A. M. to-morrow.

TUESDAY, JAN. 25, 1853—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Humphrey, Lovejoy, Scott, Waymire, and Mr. President.
Absent—Mr. Hall.
The journal of yesterday was read and approved.
Mr. Lovejoy, from the judiciary committee, to whom was referred
H. B. 57. A bill to create and establish the office of county recorder, to wit:

The judiciary committee, to whom was referred the
H. B. 57. To create and establish the office of county recorder,
Beg leave to report the following amendment to said bill: In the sixth line of the first section, after the word "county," strike all out down to the words "shall duly," &c., &c.; and add for the fifth section the following:

That a certified copy of such instrument, so recorded, may be read in evidence in all courts of justice in this Territory, and in proceedings before any officer, body, or board.
And number the fifth section of said act the sixth.

On motion of Mr. Garrison,
Said report was adopted.

Mr. Lovejoy, from the same committee, to whom was referred
C. B. 31. A bill to repeal certain laws, to wit:

To amend the title of the bill by striking out the words "certain laws," and insert the following: "All laws for the purpose of enforcing the payment of debts."

And in section second insert the following in lieu thereof:

That nothing in the provisions of the foregoing section shall be construed as in any way or manner affect any debts that have been been contracted, or that may in any way or manner be contracted previous to the said fourth day of July in the first section of this act.

On motion of Mr. Humphrey,
Said report was adopted.

Mr. Phelps from the committee of conference on
H. B. 43. A bill to incorporate the Willamette Falls canal, milling and transportation company.

The committee of conference, to whom was referred the H. B. 43, beg leave to report that they recommend the adoption of Council amendments.

Mr. Waymire moved that said report be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Lovejoy, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are
Messrs. Humphrey and Hall—2.

So said report was adopted.

Mr. Garrison introduced the following resolution (C. J. R. 18):

Resolved by the Council, the House concurring, That our Delegate in Congress be and he is hereby instructed to continue to urge the Congress of the United States to have the act, passed August 14, 1848, organizing this Territory, so amended as to allow the Council to be increased from nine members to a number not exceeding fifteen, in proportion to the representation of the House, which was allowed by said act to be increased from the number of eighteen to the number of thirty.

Mr. Lovejoy moved the adoption of said resolution;
Which was agreed to.

C. B. 38. A bill to locate a territorial road from Lafayette to Tilamook,
Was read a second time, and,

On motion of Mr. Garrison,

Said bill was considered engrossed, and ordered to be read a third time to morrow.

H. B. 42. A bill to provide for the payment of certain service rendered the Territory,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was referred to the judiciary committee.

H. B. 56. A bill to prevent fraudulent conveyances,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are,

Mr. Phelps—1.

Absent—Mr. Garrison.

So H. B. 56. A bill to prevent fraudulent conveyances, was passed.

Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that he has signed the accompanying bills, joint resolution, and memorial, to wit:

H. B. 22. A bill to locate a territorial road from Sandy to Chehalem Valley;

H. B. 31. An act regulating the election, powers, and duties of constables;

H. J. R. 26. In regard to the salary of the postmaster at Astoria;

And a memorial on the subject of dividing the Territory of Oregon;

And they are herewith transmitted for your signature.

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills—

H. B. 71. An act to prevent the discharge of ballast in the navigable waters of this Territory;

H. B. 73. An act to guard against accidents upon the Columbia and Willamette rivers in the night season:

And they are herewith transmitted, and concurrence requested.

Also, that the House refuse to concur with the Council in the passage of

C. B. 4. A bill to create a lien on the property of criminals in certain cases;

And it is herewith transmitted to the Council, where it originated.

H. B. 73. An act to guard against accidents on the Columbia and Willamette rivers in the night season,

Was read a first time.

H. B. 71. An act to prevent the discharge of ballast in the navigable waters of this Territory,

Was read a first time.

On motion of Mr. Humphrey,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Lovejoy,

The rules were further suspended, and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Garrison.

So H. B. 71. An act to prevent the discharge of ballast in the navigable waters of this Territory, was passed.

On motion of Mr. Humphrey,

The rules were suspended, and

H. B. 73. An act to guard against accidents upon the Columbia and Willamette rivers in the night season,

Was read a second time, and,

On motion of Mr. Hall,

The rules were further suspended, and said bill was read a third time, and

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So H. B. 73. An act to guard against accidents upon the Columbia and Willamette rivers in the night season, was passed.

Mr Lovejoy, on leave, introduced a bill—

C. B. 34. A bill to divorce Susan Marvin from Matthias Marvin, her husband,

Which was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended, and said bill was read a second time, and

Mr. Lovejoy moved that the rules be further suspended and said bill be read a third time now.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, and Waymire—6.

Those who voted in the negative are
Messrs. Phelps, and Mr. President—2.

So the motion was agreed to, and
Said bill was read a third time, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, and Waymire—6.

Those who voted in the negative are
Messrs. Phelps and Mr. President—2.

So C. B. 34. A bill to divorce Susan Marvin from Matthias Marvin, her husband, was passed.

Mr. Hall, on leave, presented the petition of Robert Moore,
Which was read, and,
On motion of Mr. Hall,
Said petition was referred to a select committee of three.

The President appointed Messrs. Hall, Phelps, and Waymire, as said committee.

Mr. Waymire, on leave, introduced a bill—

C. B. 35. An act supplementary to an act entitled an act to locate the public buildings of the Territory of Oregon,
Which was read a first time.

The President announced that he had signed

H. B. 31. An act regulating the election, powers, and duties of constables;

H. B. 22. An act to locate a territorial road from Sandy to Chehalem Valley;

H. J. R. 26. In regard to the salary of the postmaster at Astoria; and

A memorial on the subject of dividing the Territory.

On motion of Mr. Lovejoy,
The Council adjourned until 2 P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.

Messages from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 30. A bill to license merchants;

And it is herewith transmitted, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has adopted the report of the joint committee to whom was referred the difference between the two Houses on

H. B. 43. A bill to incorporate the Willamette milling and transportation company.

H. B. 30. A bill to license merchants,

Was read a first time.

Messages from the House, by their clerk, Mr. White

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 84. An act to incorporate the First Methodist Episcopal Church of Portland;

And it is herewith transmitted, and concurrence requested.

Also, that he has signed the accompanying bills—

H. B. 64. An act to regulate the fees of the sheriff of Clatsop and Pacific counties;

H. B. 72. A bill to regulate judicial proceedings in King and Island counties;

H. J. R. 5. Concerning a military road from Fort Boise to the Willamette Valley; and

H. J. R. 31. In relation to the two Houses meeting in joint convention;

And they are herewith transmitted for your signature.

H. B. 84. An act to incorporate the First Methodist Episcopal Church of Portland,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended, and said bill was read a second time, and,

On motion of the same,

Said bill was ordered to be read a third time to-morrow.

The President announced that he had signed the following bills—

H. B. 72. A bill to regulate judicial proceedings in King and Island counties;

H. J. R. 5. In relation to a military road from Fort Boise to the Willamette Valley;

H. J. R. 31. In relation to the two Houses meeting in joint convention;

H. B. 64. An act to regulate the fees of the sheriff of Clatsop and Pacific counties.

Mr. Hall, from the select committee to whom was referred the petition of Robert Moore, on leave report by bill—

C. B. 36. A bill for the relief of Robert Moore;

Which was read a first time.

On motion of Mr. Hall,

The Council adjourned until 10 A. M., to-morrow.

WEDNESDAY, JAN. 26, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

The journal of yesterday was read and approved.

Mr. Deady introduced the report of E. Hamilton, Secretary of the Territory, in relation to the Library and the laws and journals;

Which was read, and,

On motion of Mr. Lovejoy,

One hundred copies ordered printed.

Mr. Lovejoy, from the judiciary committee, to whom was referred

H. B. 34. A bill to lay out and define the judicial districts;

Report the same to the Council without amendment.

Mr. Lovejoy, from the committee on enrolled bills, reported as follows:

The joint committee on enrolled bills have carefully examined the following bills:

H. B. 72. A bill to regulate judicial proceedings in King and Island counties;

H. B. 64. An act to regulate the fees of the sheriff of Clatsop and Pacific counties; and also,

H. J. R. 5. Concerning a military road; and

H. J. R. 31. In relation to joint convention;

As truly enrolled.

Mr. Waymire, on leave, introduced a bill—

C. B. 37. An act to create and establish the office of county Auditor,

Was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended, and said bill was read a second time, and,

On motion of same,

C. B. 37. An act to create and establish the office of county auditor,

Was ordered to be read a third thime to-morrow.

H. B. 30. A bill to license merchants,

Was read a second time, and

Mr. Lovejoy moved that said bill be read a third time to-morrow.

The yeas and nays, being demanded by Mr. Lovejoy, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Hall, and Mr. President—3.

Those who voted in the negative are

Messrs. Humphrey, Lovejoy, Phelps, Scott, and Waymire—5.

So the motion was not agreed to.

C. B. 36. A bill for the relief of Robert Moore,

Was read a second time, and

Mr. Hall moved that the rules be suspended, and said bill be read a third time now.

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affimative are

Messrs. Humphrey, Hall, Lovejoy, Phelps, Scott, and Mr. President—6.

Those who voted in the negative are

Messrs. Garrison and Waymire—2.

So the motion was agreed to, and

C. B. 36. A bill for the relief of Robert Moore,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, and Mr. President—7.

Those who voted in the negative are

Mr. Waymire—1.

So C. B. 36. A bill for the relief of Robert Moore, was passed.

C. B. 35. An act supplementary to an act to locate the public buildings of Oregon,

Was read a second time, when

Mr. Scott moved to strike out the word "Polk", and insert "Lane."

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Hall, and Scott—3.

Those who voted in the negative are
Messrs. Garrison, Lovejoy, Phelps, Waymire, and Mr. President—5.

So the amendment was not agreed to.
Mr. Lovejoy moved that said bill be referred to a select committee;
Which was agreed to.
The President appointed Messrs. Lovejoy, Waymire, and Humphrey, as said committee.
H. B. 34. A bill to lay out and define the judicial districts of Oregon,
Was taken up for a third reading, when,
On motion of Mr. Lovejoy,
Said bill was referred to a committee of the whole.
C. B. 33. A bill to locate a territorial road from Lafayette to Tilamook, on the Pacific coast,
Was read a third time and passed.
H. B. 84. A bill to incorporate the First Methodist Episcopal Church of Portland,
Was read a third time, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So H. B. 84. A bill to incorporate the First Methodist Episcopal Church of Portland, was passed.
H. B. 57. A bill to create the office of county recorder,
Was taken up for a third reading, when,
On motion of Mr. Lovejoy,
Said bill was laid on the table.
Messages from the House, by their clerk, Mr. White;
Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—
C. B. 21. A bill to create and regulate the office of prosecuting attorney,
With the accompanying amendments; and they are herewith transmitted and concurrence requested.
Also, that the House concur in the passage of
C. J. R. 18. In relation to the increase of the Council;
And it is herewith transmitted to the Council, for enrollment.

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—
H. B. 40. An act supplementary to an act entitled an act to pro-

vide for the selection of places for the location and erection of the public buildings of Oregon Territory;

And it is herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 29. A bill to provide for the election of notaries public, and define their duties;

And it is herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House has passed the accompanying bill—

H. B. 88. A bill to locate a territorial road from Salem to Theodore Prather's, in Polk county;

And it is herewith transmitted, and concurrence requested.

On motion of Mr. Lovejoy,

The Council adjourned until 2 P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

Mr. Hall, on leave, introduced a bill—

C. B. 38. A bill for the redemption of real estate;

Which was read a first time.

H. B. 29. A bill to provide for the election of notaries public, and define their duties,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Garrison,

The rules were further suspended, and

H. B. 29. A bill to provide for the election of notaries public, and define their duties,

Was read a third time, and,

On motion of Mr. Waymire,

Said bill was laid on the table.

H. B. 88. An act to locate a territorial road from Salem to Theodore Prather's, in Polk county,

Was read a first time.

House amendments to

C. B. 21. A bill to create and regulate the office of prosecuting attorney.

1st amendment to said bill. Strike out first section and insert—

That there shall be elected annually, at the general election, by the qualified voters in the several judicial districts, a prosecuting attorney for each judicial district, who shall hold his office until his successor shall be elected and qualified.

Mr. Garrison moved the adoption of said House amendment to C. B. 21.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So said amendment was concurred in.

2nd amendment to C. B. 21. Add to the first section the following:

Provided, That the Legislative Assembly, at its present session, shall elect on joint ballot prosecuting attorneys, who shall hold their office until the next general election, or until their successors are duly elected and qualified.

On motion of Mr. Lovejoy,

Said amendment was concurred in.

3d amendment. For the second section, insert the following:

The clerks of the boards of county commissioners shall make out an abstract of the votes given in their respective counties for prosecuting attorney, and transmit the same to the Secretary of the Territory; and said votes shall be canvassed, and a certificate granted, in the same manner as in the election of Delegate to Congress.

In the second section, strike out all of the second and third lines, except the word "attorney," in the second line.

Change the second section to the third, and so on through the bill.

To which, Mr. Hall offered the following amendment:

After the word "Territory;" and before the words "I. A. B.," insert the third amendment.

Which was agreed to.

On motion of Mr. Hall,

The amendment, as amended, was concurred in.

A message from the House, by their clerk, Mr White:

Mr. President:—I am directed by the Speaker to inform you that the House has passed the accompanying bills, to wit:

H. B. 26. An act to locate a territorial road from Fort Boise to some point in the Willamette Valley;

H. B. 55. An act locate a territorial road from Spores' Ferry, in Lane county, to the Umpqua Valley; and

H. B. 24. An act to locate a territorial road from Snohomish Falls to the Columbia River;

And they are herewith transmitted to the Council, and concurrence requested.

H. B. 24. A bill to locate a territorial road from Snohomish Falls to the Columbia River,

Was read a first time.

H. B. 45. An act to locate a territorial road from Spores' Ferry, in Lane county, to the Umpqua Valley,

Was read a first time.

H. B. 26. An act to locate a territorial road from Fort Boise to some point in the Willamette Valley,

Was read a first time.

H. B. 40. A bill supplementary to an act entitled an act to provide for the location of public buildings of the Territory of Oregon,

Was read a first time.

A message from the House, by their clerk, Mr. White:

Mr. President:—I am directed by the Speaker of the House to inform you that the House has passed the accompanying bills, to wit:

H. B. 38. An act to amend an act entitled an act to authorize S. & J. B. Hall to open and keep in repair a wagon road across the Cascade Mountains; and

H. B. 78. A bill to authorize the Surveyor General to summon witnesses in certain cases;

And they are herewith transmitted to the Council and concurrence requested.

H. B. 38. A bill to amend an act entitled an act to authorize S. & J. B. Hall to open and keep in repair a wagon road across the Cascade Mountains,

Was read a first time.

H. B. 78. A bill to authorize the Surveyor General to summon witnesses in certain cases,

Was read a first time.

Mr. Lovejoy, on leave, introduced a bill—

C. B. 39. A bill to allow the action of ejectment,

Which was read a first time,

A message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you

that the House concur with the Council in the passage of C. B. 24; and it is herewith transmitted to the Council, where it originated, for enrollment.

On motion of Mr. Hall;

The Council resolved itself into a committee of the whole on H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory;

Mr. Lovejoy in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Lovejoy reported that the committee of the whole, having had under consideration

H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory,

Report the same back to the Council, with sundry amendments, to wit:

Add to section seventh, *Provided*, that in the counties of Umpqua and Yamhill, there shall be neither grand or petit jurors summoned or empanneled to serve at the summer term of said courts, except in the discretion of the court upon an order made for that purpose, and then only when some person is in actual custody, upon a charge of crime committed in said counties, or either of them; nevertheless, said courts shall have full power to hear and determine at said terms all causes that do not require the intervention of a jury, in like manner as said courts would have at any other term of said courts.

On motion of Mr. Lovejoy,

Said amendment was adopted.

2d amendment. After the words "Territory of Oregon," first section, strike out and insert, "There shall be two terms of the supreme court held in each year—one to be held at the seat of government, on the first Monday in December; the other to be held on the third Monday in June, in the town of Portland."

On motion of same,

Said second amendment was adopted.

3d amendment. Fifth section—strike out the word "second" and insert "first."

On motion of same,

Said third amendment was adopted.

4th amendment. Section third—strike out "first" and insert "second."

On motion of same,

Said fourth amendment was adopted.

Mr. Lovejoy moved to strike out in seventh section, in eighth line the word "second" and insert "third."

Agreed to.

Mr. Lovejoy moved to amend seventh section, first proviso—
Strike out after the word "Umpqua" the word "Clackamas."
Agreed to.
Mr. Garrison moved to amend seventh section, first proviso—
Insert after the word "Clackamas" the word "Marion."
Agreed to.
On motion of Mr. Lovejoy,
H. B. 34. A bill to lay out and define the judicial districts,
Was ordered to third reading to-morrow.
On motion of Mr. Hall,
The Council adjourned until at 10 A. M. to-morrow.

THURSDAY, JAN. 27, 1853—10, A. M.

The Council met pursuant to adjournment.
Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.
The journal of yesterday was read and approved.
Mr. Lovejoy, from the committee of the whole, on
H. B. 42. A bill to provide for the payment of certain services,
Report the same back to the Council without amendment.
Mr. Lovejoy, from the select committee, to whom was referred,
C. B. 35. A bill to provide for the selection of places for the location of public buildings of Oregon Territory, report as follows, to wit;

The special committee, to whom was referred the bill—
A bill supplementary to an act entitled an act to provide for the selection of places for the location and erection of the public buildings of the Territory of Oregon, beg leave to report, that James W. Nesmith, Edward T. Stone, and J. B. V. Butler, to strike out of the first section, and the following inserted in lieu thereof:
Fendal C. Cason, of Clackamas county; Joel Palmer, of Yamhill county; and Arnold Fuller, of Benton county, for the purpose of locating said penitentiary only, and add in the fourth line, after the words "May next," at Dallas, in Polk county, and at the end of the second section, add "and notify the building commissioners, provided for in the third section of this act;" and in the 8th section, after the word commissioners, "who located said Penitentiary."

On motion of Mr. Waymire,
Said amendment was adopted.

H. B. 24. A bill to locate a Territorial road from Snohomish Falls to the Columbia river,

Was read a second time, and

On motion of Mr. Hall,

Said bill was ordered to be read a third thime to-morrow.

H. B. 55. A bill to locate a Territorial road from Spores' Ferry to Umpqua Valley,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

H. B. 39. A bill to regulate and allow the action of ejectment,

Was read a second time, and,

On motion of Mr. Garrison,

Said bill was ordered to be read a third time to-morrow.

C. B. 38. A bill for the redemption of real estate,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be engrossed and read a third time to-morrow.

H. B. 88. A bill to locate a Territorial road from Salem to Theodore Prather's, in Polk county,

Was read a second time, and

On motion of Mr. Garrison,

The rules were suspended, and said bill was read a third time and passed.

H. B. 42. A bill to provide for the payment of certain services rendered the Territory,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

H. B. 78. A bill to authorize the Surveyor General to summon witnesses in certain cases,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

H. B. 38. A bill to amend an act entitled an act to authorize S. & J. B. Hall to open and keep in repair a wagon road across the Cascade mountains,

Was read a second time, and,

On motion of Mr. Waymire,

Said bill was ordered to a third reading to-morrow.

A message from the House, by Messrs. Stark and Anderson, a committee, informing the Council that the House is now ready to meet the Council in joint Convention to elect Territorial officers.

On motion of Mr. Lovejoy,

The Council repaired to the Hall of the House of Representatives and took seats on the right of the Speaker.

The Convention proceeded to the election of a Territorial Printer;

Messrs. Waymire and Lovejoy acting as tellers on the part of the Council, and Anderson and Holmes on the part of the House.

Upon the first ballot, it appeared that the whole number of votes cast was thirty-three, of which

Asahel Bush received	17
John O. Waterman received	9
T. J. Dryer received	6
Blank,	1

Whereupon, Asahel Bush was declared duly elected Territorial Printer.

The Convention then proceeded to the election of three commissioners to prepare a code of laws;

Mr. Phelps acting as teller on the part of the Council, and Messrs. Cole and Martin on the part of the House.

The whole number of votes cast was thirty-three, of which, first ballot,

Reuben P. Boise received	14
J. K. Kelly received	17
Cyrus Olney received	1
Blank,	1

Whereupon, J. K. Kelley was declared duly elected one of the commissioners to prepare a code of laws.

The Convention then proceeded to the election of the second commissioner;

The same tellers acting.

The whole number of votes cast was thirty-three, of which first ballot,

Daniel R. Bigelow received	13
E. M. Barnum received	5
Jesse Applegate received	9
Cyrus Onley received	2
Blank,	4

There being no choice, the Convention proceeded to a second ballot:

The whole number of votes cast was thirty-three, of which,

Daniel R. Bigelow received	14
E. M. Barnum received	2
Jesse Applegate received	12
Cyrus Olney received	1
J. Quinn Thornton received	1
Blank,	3

There being no choice, the Convention proceeded to a third ballot:

The whole number of votes cast was thirty-three, of which,

Daniel R. Bigelow received	15
E. M. Barnum received	1
Jesse Applegate received	14
Blank,	3

There being no choice, the Convention proceeded to the fourth ballot. The whole number of votes cast was thirty-five, of which

D. R. Bigelow received	15
E. M. Barnum received	1
Jesse Applegate received	14
Blank,	8

There being no choice, the Convention proceeded to the fifth ballot. The whole number of votes cast was thirty-three, of which

D. R. Bigelow received	16
E. M. Barnum received	1
Jesse Applegate received	14
Blank,	2

There being no choice, the Convention proceeded to the sixth ballot. The whole number of votes cast was thirty-three, of which

D. R. Bigelow received	17
E. M. Barnum received	1
Jesse Applegate received	15

Whereupon, D. R. Bigelow was declared duly elected one of the commissioners to prepare a code of laws.

The Convention then proceeded to the election of the third commissioner to prepare a code of laws. The whole number of votes cast was thirty-three, of which

Cyrus Olney received	1
Reuben P. Boise received	15
Samuel Parker received	14
E. M. Barnum received	1
Ben. Simpson received	1
Blank,	1

There being no choice, the Convention proceeded to the second ballot. The whole number of votes cast was thirty-three, of which

Reuben P. Boise received	17
Samuel Parker received	13
E. M. Barnum received	2
Benj. Simpson received	1

Whereupon, Reuben P. Boise was declared duly elected one of the commissioners to prepare a code of laws.

The Convention then proceeded to the election of a prosecuting attorney for the Willamette District, Mr. Garrison acting as teller on part of the Council, and Messrs. Simpson and Stark on part of the House. The whole number of votes cast was thirty-three, of which

L. F. Grover received	20
David Logan received	9
J. K. Kelly received	3
Blank,	1

Whereupon, L. F. Grover was declared duly elected prosecuting attorney for the Willamette district.

The Convention then proceeded to the election of a prosecuting attorney for the southern district. The whole number of votes cast was thirty-three, of which

J. D. Crosby received	12
R. E. Stratton received	16
Blank,	5

There being no choice, the Convention proceeded to a second ballot. The whole number of votes cast was thirty-three, of which

J. D. Crosby received	9
R. E. Stratton received	23
Blank,	1

Whereupon, R. E. Stratton was declared duly elected prosecuting attorney for the southern district.

The Convention then proceeded to the election of a prosecuting attorney for the northern district, Mr. Lovejoy acting as teller on part of the Council, and Messrs. Avery and Hardin on part of the House. The whole number of votes cast was thirty-three, of which

Alexander Campbell received	18
James McCabe received	6
P. A. Marquam received	7
J. A. Anderson received	1
Blank,	1

Whereupon, Alexander Campbell was declared duly elected prosecuting attorney for the northern district.

The Convention then proceeded to the election of Territorial Auditor. The whole number of votes cast was thirty-three, of which

L. F. Grover received	17
Samuel Parker received	9
W. H. Willson received	1
E. Williams received	2
Blank,	4

Whereupon, L. F. Grover was declared duly elected Territorial Auditor.

The Convention then proceeded to the election of Territorial Treasurer. The whole number of votes cast was thirty-three, of which

J. D. Boon received	19
E. M. Barnum received	9
W. T. Matlock received	1
Benj. Simpson received	1
John R. Johnson received	1
Blank,	2

Whereupon, J. D. Boon was declared duly elected Territorial Treasurer.

The Convention then proceeded to the election of Territorial Librarian. The whole number of votes cast was thirty-three, of which

Chester N. Terry received	23
Thomas McF. Patton received	6
Blank,	4

Whereupon, Chester N. Terry was declared duly elected Territorial Librarian.

The Convention then proceeded to the election of a university land commissioner. The whole number of votes cast was thirty-three, of which

James W. Nesmith received	20
Benj. Simpson received	1
F. A. Chenoweth received	3
——— Woods received	1
Lot Whitcomb received	1
Blank,	7

Whereupon, J. W. Nesmith was declared duly elected university land commissioner.

On motion,

The Convention dissolved.

The business of the Convention having been performed, the Council returned to the Council Chamber.

On motion of Mr. Hall,

The Council adjourned until 2, P. M.

AFTERNOON SESSION — 2 P. M.

The Council met pursuant to adjournment.

H. B. 26. A bill to locate a Territorial road from Fort Boise to some point in the Willamette Valley,

Was read a second time, and,

On motion of Mr. Phelps,
Said bill was referred to a select committee of three.
The President appointed Messrs. Phelps, Garrison, and Humphrey, as said committee.
H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory,
Was taken up for a third reading, when
Mr. Hall offered the following amendment to said bill:
After the word "Marion," insert the word "Washington;"
Which was agreed to.
The question being, "Shall this bill pass?"
The yeas and nays, being demanded by Mr. Garrison, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, Scott, and Mr. President—6.

Those who voted in the negative are
Messrs. Lovejoy and Waymire—2.

So said bill—
H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory,
Was passed.
C. B. 37. A bill to create and establish the office of county auditor,
Was read a third time, and
The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Lovejoy.

So said bill—
C. B. 37. A bill to create and establish the office of county auditor,
Was passed.
C. B. 32. A bill to repeal certain laws,
Was taken up, when
Mr. Waymire offered the following amendment to said bill, to-wit:

Sec. 3. *Be it further enacted*, That from and after the day above recited, that any person or persons that may or shall be

arrested for the commission of any crime or misdemeanors defined in an act to define crimes and misdemeanor, and to provide for their punishment. The mode of trial and punishment shall be decided by petition to the Governor of this Territory, in the following manner, to-wit: The majority of said petitioners shall govern, and they shall set forth in their petitions, the offence committed, and the mode of punishment designed by said petitioners, and when so decided by the Governor, he shall keep a correct record of all his decisions and proceedings, had before him, giving a true statement of all the crimes charged, and punishment inflicted by him, for the inspection of the public. The mode of trial and sentence, and execution, shall be free gratis, and no charge made whatever for the services rendered or materials furnished.

SEC. 4. All acts and parts of acts that conflict with this act are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its approval by the Governor, and as soon as the Governor does approve said law, he shall issue a proclamation notifying the citizens of its approval.

Which was read a first time, and,

Mr. Waymire moved that the rules be suspended and read the amendment a second time now, which was lost.

On motion of Mr. Lovejoy,

The vote on suspending the rules was reconsidered, and said amendment was read a second time, and

On motion of Mr. Waymire,

The rules were further suspended and said amendment was read a third time, and the question being, "Shall the amendment be adopted?"

Which was not agreed to.

The question recurring on the final passage of said C. B. 32, and

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey, Lovejoy, and Scott—3.

Those who voted in the negative are
Messrs. Garrison, Hall, Phelps, Waymire, and Mr. President—5.

So said bill—

C. B. 32. A bill to repeal certain laws,

Was lost.

On motion of Mr. Lovejoy,

H. B. 29. An act to provide for the election of Notaries Public,

Was laid on the table.

H. B. 57. A bill to create and establish the office of county recorder,

Was read a third time, and,
On motion of Mr. Hall,
Said bill was laid on the table.
Messages from the House, by their clerk, Mr. White;

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—
H. B. 76. A bill to create the office of Wreck-master, and define his duties,
And it is herewith transmitted to the Council and concurrence requested.
Mr. President: I am directed by the Speaker to inform you that the House concur with the Council in the passage of
C. B. 11. An act to amend an act entitled an act to define the jurisdiction of the supreme and district courts;
And it is herewith transmitted to the Council for enrollment.
Also that the House has passed the accompanying bill—
H. B. 32. A bill to prohibit lotteries; also,
H. J. R. 7. Authorizing the Territorial Treasurer to pay warrant No. 17;
And they are herewith transmitted to the Council, and concurrence requested.

Mr. President: I am directed by the Speaker to inform you that the House concur with the Council in the adoption of Council amendments to House amendments to
C. B. 21. A bill to create and regulate the office of prosecuting attorney;
And it is herewith transmitted to the Council, for enrollment.

H. J. R. 17. Authorizing the Territorial Treasurer to pay warrant No. 17,
Was read a first time.
H. B. 32. A bill to prohibit lotteries,
Was read a first time.
H. B. 76. A bill to create the office of wreck-master,
Was read a first time, and,
On motion of Mr. Garrison,
The rules were suspended, and said bill was read a second time, and,
On motion of Mr. Lovejoy,
The rules were further suspended, and said bill was read a third time, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So H. B. 76. A bill to create the office of wreck-master, was passed.

Mr. Hall, on leave, introduced the following resolution (C. J. R. No. 19):

Resolved by the Council, the House concurring, That the two Houses of the Legislative Assembly adjourn *sine die* on Thursday, the 3d day of February, 1853.

On motion of Mr. Lovejoy,

Said resolution was adopted.

On motion of Mr. Waymire,

The Council adjourned until 10, A. M. to-morrow.

FRIDAY, JAN. 28, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

On motion of Mr. Lovejoy,

The reading of the journal was dispensed with until in the afternoon.

Mr. Phelps, from the committee on engrossed bills, reported

C. B. 38. An act for the redemption of real estate, and

C. B. 39. A bill to allow and regulate the action of ejectment,

As truly engrossed.

Mr. Lovejoy, from the committee on enrolled bills, made the following report, to wit:

The joint committee on enrolled bills have carefully examined the following bills and joint resolutions, to wit:

C. B. 11. An act to amend an act entitled an act to define the jurisdiction of the supreme and district courts;

C. B. 30. An act to amend an act to provide for the selection of the places for the location and erection of the public buildings of the Territory of Oregon;

C. B. 12. An act to make an equitable distribution of the school funds collected in the original county of Thurston for the year 1852, between the counties of Island, Jefferson, Pierce, King, and Thurston;

C. B. 24. A bill to provide for the collection of the laws and archives of Oregon; and also,

C. J. R. 14. In relation to the ordinance of 1787, and

C. J. R. 18. In relation to an increase of the Council;

And find the same truly enrolled.

H. B. 32. A bill to prohibit lotteries,
Was read a second time, and
On motion of Mr. Lovejoy,
Said bill was ordered to be read a third time to-morrow.

H. J. R. 17. In relation to territorial order No. 17,
Was read a second time, and,
On motion of Mr. Waymire,
Said resolution was referred to a committee of the whole.

H. B. 40. A bill supplementary to an act to locate the public buildings of Oregon,
Was read a second time, and,
On motion of Mr. Waymire,
Said bill was laid on the table.

C. B. 35. A bill supplementary to an act entitled an act to locate the public buildings of the Territory of Oregon,
Was read a second time, when,
Mr. Lovejoy moved that it be engrossed and read a third time to-morrow.
The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affimative are
Messrs. Garrison, Lovejoy, Waymire, and Mr. President—4.

Those who voted in the negative are
Messrs. Humphrey, Hall, Phelps, and Scott—4.

So the motion was not agreed to.

H. B. 35. A bill to locate a territorial road from Spores' Ferry to some point in the Umpqua Valley,
Was read a third time and passed.
On motion of Mr. Hall,
The Council adjourned until 2 P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.

C. B. 38. A bill for the redemption of real estate,
Was taken up for a third reading, when,
On motion of Mr. Phelps,
Said bill was referred to a select committee of three.
The President appointed Messrs. Phelps, Hall, and Waymire as said committee.

C. B. 39. A bill to allow the action of ejectment,
Was taken up, when
Mr. Lovejoy offered the following amendment to said bill, to wit:

SEC. 19. That any survey, record, maps, paper, or other instrument of writing in the Surveyor General's office within this Territory,

a certified copy of which, so certified by the said Surveyor General, may be read in evidence in all courts of justice in this Territory, and proceedings before any officer, body or board.

Which was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended, and said amendment was read a second time, and,

On motion of Mr. Lovejoy,

The rules were further suspended, and said amendment was considered engrossed, and read a third time and passed.

So said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, and Waymire—7.

Those who voted in the negative are

Mr. President—1.

So C. B. 39. A bill to allow and regulate the action of ejectment, was passed.

H. B. 42. A bill to provide for the payment of certain services rendered the Territory,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Hall and Lovejoy—2.

Those who voted in the negative are

Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

So said bill—

H. B. 42. A bill to provide for the payment of certain services rendered the Territory,

Was lost.

H. B. 42. A bill to locate a Territorial road from Snohomish falls to Columbia river,

Was read a third time, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Hall and Mr. President—2.

Those who voted in the negative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, and Waymire—6.

So said bill—

H. B. 24. A bill to locate a Territorial road from Snohomish falls to Columbia river,

Was lost.

H. B. 78. A bill to allow the Surveyor General to summon witnesses,

Was read a third time, and

On motion of Mr. Garrison,

Said bill was referred to the judiciary committee.

H. B. 38. An act to amend an act entitled an act authorizing S. & J. B. Hall to open and keep in repair a wagon road across the Cascade mountains,

Was read a third time, and,

On motion of Mr. Hall,

Said bill was laid on the table.

Messages from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 92. An act to repeal the Stephen's ferry charter,

And it is herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House has passed the accompanying bills, to wit:

H. B. 94. An act to amend an act to provide for the selection and location of two townships of land to aid in the establishment of a University; also,

H. B. 95. A bill to locate a Territorial road from Salem to Dayton, Yamhill county; also,

H. B. 96. A bill for a Territorial road from Albany to intersect a Territorial road from Oregon City to Jacob Spores',

And they are herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House has passed the accompanying bills and resolutions:

H. B. 60. An act to amend an act to create and organize Pacific county;

H. J. R. 33. In regard to our delegate in Congress using his influence to make Shoalwater Bay a port of delivery;

H. B. 96. An act to create the office of commissioner to sell the public lands;

And they are herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 92. A bill to locate a Territorial road from Pleasant Hill to Umpqua;

And it is herewith transmitted to the Council and concurrence requested.

Also, that the House concur with the Council in the passage of

H. J. R. 19. In relation to the adjournment of the two Houses;

And it is herewith transmitted to the Council, where it originated, for enrollment.

H. B. 95. A bill to locate a Territorial road from Salem to Dayton,

Was read a first time, and

On motion of Mr. Garrison,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Lovejoy,

The rules were further suspended, and said bill—

H. B. 95. A bill to locate a Territorial road from Salem to Dayton,

Was read a third time and passed.

H. B. 92. A bill to repeal the Stephen's ferry charter,

Was ordered to be read a third time to-morrow.

H. B. 94. A bill to amend an act to provide for the selection and location of two townships of land to aid in the establishment of the University,

Was read a first time.

H. B. 96. A bill to locate a Territorial road from Albany to intersect a Territorial road from Oregon City to Spores',

Was read a first time and,

On motion of Mr. Lovejoy,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Garrison,

The rules were further suspended, and said bill was read a third time and passed.

H. B. 96. An act supplementary to an act entitled an act to create the office of commissioners to sell the public lands,

Was read a first time, and,

On motion of Mr. Humphrey,

The rules were suspended and said bill was read a second time and,

On motion of Mr. Garrison,

Said bill was laid on the table.

H. J. R. 33. In regard to our Delegate in Congress using his influence to make Shoalwater Bay a port of delivery,

Was read and adopted.

H. B. 60. A bill to amend an act to create and organize Pacific county,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time, and,

On motion of same,

The rules were further suspended and said bill—

H. B. 60. A bill to amend an act to create and organize Pacific county,

Was read a third time and passed.

H. B. 92. A bill to locate a Territorial road from Pleasant Hill to Umpqua,

Was read a first time.

Messages from the House, by their clerk, Mr White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

C. B. 31. An act for the relief of Washington county,

And it is herewith transmitted to the Council for enrollment.

Mr. President:—I am directed by the Speaker of the House to inform you that he has signed the accompanying bills and resolutions, to-wit:

C. B. 11, C. B. 12, C. B. 24, C. B. 30, C. J. R. 18, and C. J. R. 14.

And they are herewith transmitted to the Council for your signature.

And the House has passed

C. B. 3. A bill for the relief of Polk county,

With the accompanying amendments, and the concurrence of the Council requested.

House amendments to C. B. 3. A bill for the relief of Polk county, to-wit:

First—Insert after the word "expressed," "also the sum of $630 32, in like manner, is hereby appropriated to the county of Benton, to remunerate said county for keeping Nimrod O'Kelly, who was in like manner respited by the Governor, after having been convicted in the district court for the crime of murder."

Mr. Waymire moved that the Council concur with the House, in said amendment.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Hall, Phelps, and Waymire—5.

Those who voted in the negative are.

Messrs. Lovejoy, Scott, and President—3.

So said amendment was concurred in.

Second amendment—Change the word "county" to "counties," wherever it occurs in the bill.

On motion of Mr. Waymire,
Said amendment was concurred in.

Third amendment—Amend the title by striking out the word "county" and inserting Benton counties.

On motion of Mr. Waymire,
Said amendment was concurred in.
A message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—
H. B. 70. A bill to incorporate the city of Portland,
And it is herewith transmitted to the Council, and concurrence requested.
And that the House refuse to read C. B. 29. A bill to allow set-offs in certain cases, a third time,
And it is herewith transmitted to the Council, where it originated.

H. B. 70. A bill to incorporate the city of Portland,
Was read a first time, and,
On motion of Mr. Hall,
The rules were suspended and said bill was read a second time, when
Mr. Hall offered the following amendment to said H. B. 70:

Sec. 3d—by inserting the word "pay."

On motion of Mr. Waymire,
Said bill—
H. B. 70. A bill to incorporate the city of Portland,
Was referred to the committee of the whole.
Mr. Scott, on leave, introduced a bill—
C. B. 39. A bill to ascertain the boundary line between California and Oregon,
Which was read a first time, and,
On motion of Mr. Humphrey,
The rules were suspended and said bill was read a second time and,
On motion of Mr. Garrison,
Said bill was ordered to be engrossed and read a third time to-morrow.
Mr. Waymire, on leave, introduced a bill—
C. B. 40. A bill to repeal so much of the road laws as relate to the compensation of commissioners and viewers,
Which was read a first time and,
On motion of Mr. Garrison,

The rules were suspended and said bill was read a second time and,
On motion of Mr. Lovejoy,
The rules were further suspended and said bill was read a third time, when
Mr. Garrison offered the following amendment, to-wit:

Provided, That the per diem of the Legislative Assembly shall be by the Secretary paid into the county treasury of each county in this Territory, in proportion to the amount of its representation in the House of Representatives, to be applied to the paying of commissioners, and such other hands as may be by them employed in viewing and laying out roads in this Territory.

Which was read a first time, and
Mr. Garrison moved that the rules be suspended and said bill be read a second time now;
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Phelps, Waymire, and Mr. President—6.

Those who voted in the negative are
Messrs. Lovejoy and Scott—2.

So said amendment was read a second time and
Mr. Lovejoy moved that the amendment be indefinitely postponed.
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,
Mr. Lovejoy—1.

Those who voted in the negative are,
Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—7.

So the motion was not agreed to.
So said bill was read a third time, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey and Waymire—2.

Those who voted in the negative are
Messrs. Garrison, Hall, Lovejoy, Phelps, Scott, and Mr. President—6.

So said bill—

C. B. 40. A bill to repeal so much of the road laws as relate to the compensation of commissioners,

Was lost.

The President announced that he had signed the following bills and resolutions, to wit:

C. B. 30. An act supplementary to an act for the selection of places for the location and erection of public buildings for the Territory of Oregon;

C. B. 11. An act to amend an act entitled an act to define the jurisdiction of the supreme and district courts;

C. B. 12. A bill to distribute the school funds collected in the county of Thurston in the year 1852, between the counties of Island, Jefferson, &c.;

C. B. 21. A bill to provide for the collection of the laws and archives of Oregon;

C. J. R. 14. In relation to the Ordinance of 1787;

C. J. R. 18. In relation to an increase of the Council.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has rejected

C. B. 27. An act to incorporate the Winchester bridge company;

And it is herewith transmitted to the Council, where it originated.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bills, to wit:

H. B. 41. A bill to establish the office of county surveyor, and

H. B. 69. An act in relation to common schools;

And they are herewith transmitted to the Council, and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 89. A bill to authorize the counties of Lewis, Thurston, Pierce, King, Island, and Jefferson, to levy a road tax;

And it is herewith transmitted to the Council, and concurrence requested.

On motion of Mr. Hall,

The Council adjourned until 10 A. M. to-morrow.

SATURDAY, JAN. 29, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

Absent—Mr. Garrison.

The journal of the two preceding days was read and approved.

Mr. Phelps, from the committee on engrossed bills, reported

C. B. 39. A bill to ascertain the southern boundary line of Oregon,

As truly engrossed.

Mr. Phelps, from the select committee to whom was referred

C. B. 38. A bill for the redemption of real estate,

Reported as follows, to wit: The select committee, to whom was referred

C. B. 38. An act for the redemption of real estate,

Respectfully report the following as a substitute for the bill, and recommend its adoption:

SECTION. 1. *Be it enacted by the Legislative Assembly of the Territory of Oregon*, That when any land or town lot shall have been sold for territorial and county taxes, the owner or owners thereof may redeem the same within three years, by paying the purchaser or purchasers the sum of money paid by him, her, or them, for the taxes and the costs of sale, with twenty-five per cent: per annum upon the said sum of taxes and costs actually paid.

SEC. 2. That no certificate of any sale or vendue deed, executed by any sheriff or collector of taxes, shall be recorded within three years from the date thereof.

SEC. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

SEC. 4. This act to be in force from and after its passage.

On motion of Mr. Hall,

Said report was adopted.

H. B. 94. A bill to amend an act to provide for the selection and location of two townships of land, to aid in the establishment of the university,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time on Monday, the 31st instant.

H. B. 92. A bill to locate a territorial road from Pleasant Hill to Umpqua,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time on Monday, the 31st instant.

C. B. 38. A bill for the redemption of real estate,

Was read a third time and passed.

C. B. 39. A bill to ascertain the southern boundary line of Oregon,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So said bill—

C. B. 39. A bill to ascertain the southern boundary line of Oregon,

Was passed.

H. B. 32. A bill to prohibit lotteries,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Hall, Phelps, Scott, and Waymire—5.

Those who voted in the negative are
Messrs. Humphrey, Lovejoy, and Mr. President—3.

So said bill—

H. B. 32. A bill to prohibit lotteries,

Was passed.

H. B. 41. A bill to create and establish the office of county surveyor,

Was read a first time, and

Mr. Lovejoy moved to reject said bill.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are

Messrs. Garrison and Hall—2.

So said bill was rejected.

H. B. 87. A bill to authorize the county commissioners of Island, Jefferson, King, Pierce, and Thurston, to levy a road tax,

Was read a first time.

H. B. 67. A bill in relation to common schools,

Was read a first time, and

On motion of Mr. Scott,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to a third reading on Monday, the 31st inst.

H. B. 40. A bill supplementary to an act entitled an act to locate the public buildings of Oregon,

Was read a second time, when

Mr. Humphrey offered the following amendment to said H. B. 40:

Ist amendment. Section first, strike out all after the enacting clause, and substitute as follows:

That be and hereby are constituted a board of commissioners for the construction of a penitentiary, who shall continue in office for two years from the passage of this act.

Which was read.

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, and Waymire—8.

The negative—none.

So said amendment was adopted.

Mr. Lovejoy moved to fill the first blank with the name of William M. King, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

Those who voted in the negative are

Mr. Hall—1.

So the first blank of said bill was filled with name of William M. King.

Mr. Garrison moved to fill the second blank of said bill with the name of Samuel Parker.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So the second blank of said bill was filled with the name of Sam'l Parker.

Mr. Waymire moved to fill the third blank with the name of Nathaniel Ford.

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Scott, Waymire, and Mr. President—7.

Those who voted in the negative are
Mr. Phelps—1.

So the third blank of said bill was filled with the name of Nathan'l Ford.

Mr. Hall offered the following amendment to said H. B. 40, to-wit:

Second amendment—Amend section 7: Strike out the first and second line and the third line to the word "when," and insert, "the Governor of this Territory is hereby declared to be the treasurer of the funds appropriated by the Congress of the United States, to be applied to the erection of a Penitentiary."

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—8.

In the negative—none.

So said second amendment was adopted.

Mr. Waymire offered the following amendment to said H. B. 40, to-wit:

Third amendment—Strike out so much of the bill as creates the office of secretary, and provides for his duties and compensation.

Which was read.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Scott, Waymire, and Mr. President—5.

Those who voted in the negative are
Messrs. Hall, Lovejoy, and Phelps—3.

So said amendment was adopted.
On motion of Mr. Lovejoy,
The rules were suspended and said bill was read a third time and,
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Hall, Lovejoy, Waymire, and Mr. President—6.

Those who voted in the negative are
Messrs. Phelps, and Scott—2.

So said bill—
H. B. 40. An act supplementary to an act entitled an act for the selection of places for the public buildings of Oregon Territory,
Was passed.
H. B. 38. An act to amend an act entitled an act authorizing S. & J. B. Hall, to open and keep in repair a wagon road across the Cascades mountains,
Was taken up, and
On motion of Mr. Garrison,
The Council adjourned until 2, P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.
On motion of Mr. Hall,
The sergeant-at-arms was ordered to bring in absent members.
The question recurring on the passage of
H. B. 38. An act to amend an act entitled an act authorizing S. & J. B. Hall to open and keep in repair a wagon road across the Cascade mountains,
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Waymire, and Mr. President—6.
Those who voted in the negative are
Messrs. Hall and Scott—2.

So said bill—
H. B. 38. An act to amend an act entitled an act to authorize S. & J. B. Hall to open and keep in repair a wagon road across the Cascade Mountains,
Was passed.
H. B. 96. An act supplementary to an act entitled an act to create the office of commissioner to sell the public lands,

Was read a second time, when,

Mr. Humphrey offered the following amendment to said bill, to wit:

Amend section first—Strike out "not to exceed," and insert "not less than."

Which was agreed to.

On motion of Mr. Humphrey,

The rules were suspended, and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Hall, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey, Lovejoy, Scott, and Mr. President—4.

Those who voted in the negative are
Messrs. Hall, Phelps, and Waymire—3.
Absent—Mr. Garrison.

So said bill—

H. B. 96. An act supplementary to an act entitled an act to create the office of commissioners to sell the public lands,

Was passed.

H. B. 92. A bill to repeal the Stephens's ferry charter,

Was read a third time, when

On motion of Mr. Waymire,

The Council adjourned until Monday the 31st inst., at 10, A. M.

MONDAY, JAN. 31, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

Absent—Messrs. Humphrey and Hall.

The journal of Saturday was read and approved.

H. B. 87. A bill to authorize the counties of Island, King, Jefferson, Pierce, and Thurston, to levy a road tax,

Was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

H. B. 94. A bill to amend an act entitled an act to locate two townships of land for the endowment of a university,

Was read a third time and passed.

H. B. 92. A bill to locate a territorial road from Pleasant Hill, in Lane county, to Umpqua Valley,

Was read a third time and lost.

H. B. 67. A bill in relation to common schools,
Was read a third time, and
The yeas and nay , being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are
Mr. Lovejoy—1.
Absent—Mr. Hall.

So said bill—
H. B. 67. A bill in relation to common schools,
Was passed.
Mr. Waymire moved a call of the Council, and
The sergeant-at-arms was directed to bring in Mr. Hall.
H. B. 29. A bill to provide for the election of notaries public,
Was taken up, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,
Messrs. Garrison and Mr. President—2.

Those who voted in the negative are
Messrs. Humphrey, Lovejoy, Phelps, Scott, and Waymire—5.
Absent—Mr. Hall.

So said bill—
H. B. 29. A bill to provide for the election of notaries public,
Was lost.
Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bill—
H. B. 102. An act for the relief of Clark county;
And it is herewith transmitted to the Council and concurrence requested.

Mr. President: I am directed by the Speaker to inform you that the House has adopted the accompanying report in relation to Cayuse war claims, and resolution; and they are herewith transmitted to the Council, and concurrence requested.

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills—
H. B. 101. An act for a territorial road;
And it is herewith transmitted to the Council and concurrence requested.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 30. A bill to authorize J. K. Lamrick and associates to construct a plank road through the Canyon;

And the same is herewith transmitted for your concurrence.

Also, that the House do not concur in Council amendments 3, 4, 5, and 7, to

H. B. 34. A bill to lay out and define the judicial districts of Oregon Territory.

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House has passed the accompanying bills and joint resolutions, to wit:

H. B. 104. An act to amend an act regulating ferries, passed September 27, 1849;

H. B. 106. An act supplemental to an act to regulate the treasury department;

H. B. 107. A bill amendatory to an act entitled an act providing for assessing and collecting revenue;

H. J. R. 3. To make St. Helens a port of delivery;

And the same are herewith transmitted for concurrence.

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House has concurred with the Council in the passage of

C. B. 19. An act to establish a probate court and define its duties,

With accompanying amendments. House also passed

H. J. R. 19. Concerning the manner of locating territorial roads;

H. B. —. An act to regulate the property by descent of persons dying intestate;

H. B. 59. An act to amend an act entitled an act to define crimes and misdemeanors;

H. B. 79. A bill to provide for taking an enumeration of the inhabitants of the Territory;

H. B. 80. An act to amend an act entitled an act to regulate incorporated literary societies;

H. B. 81. An act authorizing county commissioners to locate lands for county purposes;

H. B. 85. A bill to locate a territorial road from Wincester to Jacksonville;

H. B. 91. An act amendatory to an act entitled an act to incorporate the Umpqua, Rogue River, and Klamath bridge company;

And the same are herewith transmitted for your concurrence.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 108. An act making appropriation for the expenses of the Legislative Assembly;

And it is herewith transmitted to the Council, and concurrence requested.

H. B. 30, A bill to authorize J. K. Lamrick and others to construct a plank road through the Canyon,

Was read a first time.

House amendment to C. B. 19. A bill to provide for the election of probate judges, to wit:

1st. Strike out the sixth section.

2d. Insert in each section where the word "township" occurs, after said word, the words "or election precincts."

3d. Strike out in last line of thirty-fourth section the words "one hundred," and insert instead thereof the words "three hundred."

4th. In section thirty-eight, strike out all after the word "rendered" in the second line.

Mr. Waymire moved to concur with House amendment to

C. B. 19. A bill to establish a probate court.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,

Messrs. Garrison, Humphrey, Lovejoy, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are

Mr. Phelps—1.

Absent—Hall.

So said House amendment to

C. B. 19. A bill to establish a probate court,

Was concurred in.

H. B. 105. A bill to regulate the treasury department,

Was read a first time, and,

On motion of Mr. Waymire,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Garrison,

The rules were further suspended, and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said bill—

H. B. 105. A bill to regulate the treasury department,

Was passed.

H. B. 80. A bill amendatory to an act entitled an act to incorporate religious and literary societies,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Waymire,

The rules were further suspended, and said bill was read a third time and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said bill—

H. B. 80. An act amendatory to an act entitled an act to incorporate religious and literary societies,

Was passed.

H. B. 108. A bill to provide for the payment of the expenses of the Legislative Assembly,

Was read a first time, and,

On motion of Mr. Waymire,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Lovejoy,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said bill—

H. B. 108. A bill to provide for the payment of the expenses of the Legislative Assembly,

Was passed.

Mr. Scott introduced the following H. J. R. 20:

WHEREAS, all that portion of the country in California and Oregon, immediately on and about the forty-second parallel of north latitude

has become thickly inhabited, and the settlements rapidly increasing; therefore,

Resolved by the Council, the House concurring, That our Delegate in Congress be requested to use his best endeavors to have the boundary line between Oregon and California, surveyed and marked.

Which was agreed to.

H. B. 79. A bill to provide for taking the enumeration of the inhabitants of the Territory of Oregon,

Was read a first time, and

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time, and

On motion of Mr. Waymire,

The rules were further suspended, and said bill was read a third time, and,

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

Said bill—

H. B. 79. A bill to provide for taking the enumeration of the inhabitants of the Territory of Oregon,

Was passed.

H. B. 107. A bill amendatory of an act entitled an act to provide for the collection of Territorial and county revenue,

Was read a first time.

H. B. 85. A bill to locate a Territorial road from Winchester to Jacksonville,

Was read a first time.

H. B. 82. A bill to authorize county commissioners to locate land,

Was read a first time, and

On motion of Mr. Waymire,

The rules were suspended and said bill was read a second time, and

On motion of Mr. Humphrey,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said bill—

H. B. 82. A bill to authorize the county commissioners to locate lands,

Was passed.

H. B. 101. A bill to locate a Territorial road,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time and,

On motion of Mr. Waymire,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Scott, and Waymire—5.

Those who voted in the negative are
Messrs. Phelps and Mr. President—2.

So said bill—

H. B. 101. A bill to locate a Territorial road,

Was passed.

H. B. 102. A bill for the relief of Clark county,

Was read a first time.

H. B. 104. A bill to amend an act regulating ferries,

Was read a first time, and,

On motion of Mr. Phelps,

The rules were suspended and said bill was read a second time and,

On motion of Mr. Lovejoy,

Said bill was ordered to a third reading to-morrow.

H. J. R. 19. In relation to an act on Territorial roads,

Was read, when

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey, Lovejoy, Waymire, and Mr. President—4.

Those who voted in the negative are
Messrs. Garrison, Phelps, and Scott—3.

Absent—Mr. Hall.

So said resolution was adopted.

H. J. R. 34. In relation to making St. Helens a port of delivery,

Was read, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said resolution was adopted.

H. B. 59. A bill amendatory of an act entitled an act to define crimes and misdemeanors,

Was read a first time.

H. J. R. In relation to Cayuse war claims,

Was read, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said report was adopted.

H. B. —. A bill to regulate the descent of property of persons dying intestate,

Was read a first time, and

On motion of Mr. Waymire,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Garrison,

Said bill was ordered to be read a third time to-morrow.

H. B. —. A bill amendatory to an act entitled an act incorporating the Umpqua Rogue river and Klamath bridge company,

Was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended, and said bill was read a second time, and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

Mr. Waymire, on leave, introduced a bill—

C. B. 41. A bill to regulate the pay of viewers and commissioners on county and Territorial roads,

Was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended and said bill was read a second time and,

On motion of Mr. Waymire,

Said bill was ordered to be engrossed and read a third time to-morrow.

H. B. 34. A bill to lay out the judicial districts of Oregon Territory, when

Mr. Garrison moved that the Council insist upon their amendment to said H. B. 34.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are
Mr. Lovejoy—1.

Absent—Mr. Hall.

So said motion was agreed to.

Mr. Lovejoy, on leave, introduced a bill—

C. B. 42. A bill relative to divorces, alimony, and other purposes,

Which was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended and said bill was read a second time and,

On motion of Mr. Lovejoy,

Said bill was ordered to be read a third time to-morrow.

On motion of Mr. Waymire,

The Council adjourned until 2 P. M.

AFTERNOON SESSION—2 P. M.

The Council met pursuant to adjournment.

H. B. 93. A bill to repeal Stephen's ferry charter,

Mr. Lovejoy moved it be laid on the table.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Lovejoy, Phelps, and Waymire—4.

Those who voted in the negative are
Messrs. Hall and Mr. President—2.

So the bill was laid on the table.

On motion of Mr. Garrison,

The Council resolved itself into a committee of the whole on

H. B. 70. A bill to incorporate the city of Portland;

Mr. Phelps in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and

Mr. Phelps reported that the committee of the whole having

had under consideration H. B. 70, report the same back to the Council, with an amendment, to-wit:

Article 7th, section 10, 2d line, strike out the words "a majority" and insert "two-thirds."

And recommend its passage.

Mr. Waymire moved the adoption of said amendment.

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Hall, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are

Mr. Lovejoy—1.

Absent—Mr. Humphrey.

So said amendment was adopted.

On motion of Mr. Lovejoy,

The rules were suspended, and

H. B. 70. A bill to incorporate the city of Portland,

Was read a third time, and

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Humphrey.

So said bill—

H. B. 70. A bill to incorporate the city of Portland,

Was passed.

Messages from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills, to wit:

H. B. 109. An act to change the name of the town of Salem:

H. B. 110. An act to appoint officers for Jackson county;

And they are herewith transmitted to the Council, and concurrence requested.

Mr. President:—I am directed by the Speaker to inform you that the House has adopted the accompanying resolutions—

H. J. R. 36. In regard to soliciting, through our Delegate in Congress, a liberal appropriation for the establishment of an insane hospital;

H. J. R. 37. In relation to an appropriation to improve the rivers of Oregon.

The House has also passed the accompanying bill—

H. B. 113. A bill to appoint two justices of the peace for Clackamas county;

And concurrence requested.

I am directed also to inform the Council that the House do not concur with the Council in the passage of

H. B. 37. A bill concerning estrays.

H. B. 110. A bill appointing officers for Jackson county,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time and,

On motion of Mr. Scott,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Humphrey.

So said bill—

H. B. 110. A bill appointing officers for Jackson county,

Was passed.

H. B. 109. A bill to change the name of the town of Salem,

Was read a first time, and,

Mr. Lovejoy moved that the rules be suspended and said bill be read a second time,

Which was not agreed to.

Mr. Garrison moved that said bill be indefinitely postponed.

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Phelps, and Waymire—3.

Those who voted in the negative are

Messrs. Hall, Lovejoy, Scott, and Mr. President—4.

So the motion was not agreed to.

H. J. R. 36. In relation to donation of land for establishing an insane hospital,

Which was read and agreed to.

H. J. R. 37. In relation to an appropriation of land for the improvement of the rivers of Oregon.

On motion of Mr. Lovejoy,

Said resolution was adopted.

H. B. 113. A bill to appoint two justices of the peace for Clackamas county,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended, and said bill was read a second time, and,

On motion of same,

The rules were further suspended and said bill—

H. B. 113. A bill to appoint two justices of the peace for Clackamas county,

Was read a third time and passed.

A message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills—

H. B. 111. An act to authorize Wm. T. Newby to take water from Baker's Creek;

H. B. 115. An act supplementary to an act defining the duties of supervisors;

H. B. 116. An act supplementary to an act on roads and highways;

And they are herewith transmitted to the Council and concurrence requested.

H. B. 116. A bill supplementary to an act on roads and highways,

Was read a first time, and,

On motion of Mr. Waymire,

The rules were suspended and said bill was read a second time, and,

On motion of same,

Said bill was ordered to be read a third time to-morrow.

H. B. 115. An act supplementary to an act defining the duties of supervisors,

Was read a first time, and,

On motion of Mr. Hall,

The rules were suspended and said bill was read a second time, and,

On motion of same,

Said bill was ordered to be read a third time to-morrow.

H. B. 111. A bill to authorize Wm. T. Newby to take water out of Baker's Creek,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time, and,

On motion of same,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,
Messrs. Garrison, Hall, Lovejoy, Scott, and Mr. President—5.

Those who voted in the negative are
Messrs. Phelps, and Waymire—2.
Absent—Mr. Humphrey.

So said bill—
H. B. 111. A bill to authorize Wm. T. Newby to take water out of Baker's Creek,
Was passed.
A Message from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House concur with the Council in their amendment to
H. B. 40. An act supplementary to an act entitled an act for selection of places for the public buildings of Oregon Territory.

On motion of Mr. Hall,
The Council adjourned until 7 P. M.

EVENING SESSION—7 P. M.

The Council met pursuant to adjournment.
Mr. Waymire introduced the following resolution:
C. J. R. 21. In relation to a post office at Nesmith's Mills,
Which was read and adopted.
Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills—
C. B. 36. An act for the relief of Robert Moore;
C. B. 37. An act to create and establish the office of county auditor;
C. B. 34. A bill to divorce Susan Marvin from Matthias Marvin, her husband;
And they are herewith sent for enrollment. Also,
H. B. 75. A bill to incorporate the Rockville canal company;
H. B. 106. An act to provide for the building of county bridges, and
H. B. 99. A bill to amend an act entitled an act to regulate fees and costs;
And they are herewith transmitted to the Council and concurrence requested.

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills—

H. B. 62. An act to provide for the holding of courts by the district judges in either of the districts of this Territory; also,

H. B. 69. An act to prevent trespassing by cutting timber on school and other lands;

And they are herewith transmitted to the Council, and concurrence requested.

Also, that the House has indefinitely postponed

C. B. 33. A bill to locate a territorial road from Lafayette to Tilamook;

And it is herewith transmitted to the Council, where it orignated.

H. B. 99. A bill to amend an act entitled an act to regulate fees and costs,

Was read a first time, and,

On motion of Mr. Waymire,

The rules were suspended and said bill was read a second time, and,

On motion of same,

The rules were further suspended, and said bill was read a third time, and passed.

Mr. Lovejoy, on leave, introduced a bill—

C. B. 34. A bill for the relief of Wm. Holmes,

Was read a time, and

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time and,

On motion of same,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Mr. Lovejoy—1.

Those who voted in the negative are

Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Absent—Mr. Hall.

So said bill—

C. B. 43. A bill for the relief of Wm. Holmes,

Was lost.

H. B. 106. A bill to provide for the building of county bridges,

Was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended and said bill was read a second time and,

On motion of same,

Said bill was ordered to be read a third time to-morrow.

H. B. 62. A bill to provide for the holding of district courts in any county, by either of the judges of this Territory,

Was read a first time.

H. B. 69. A bill to prevent trespassing on school and other lands,

Was read a first time and,

On motion of Mr. Waymire,

The rules were suspended and said bill was read a second time and,

On motion of same,

Said bill was ordered to be read a third time on the 6th day of February next.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House insist upon their refusal to concur with the Council, in the adoption of Council amendment to

H. B. 34. A bill to lay the judicial districts of Oregon,

And that Messrs. Gibbs, Hardin, and Avery, are appointed a committee of conference on the part of House, to act in conjunction with a like committee on the part of the Council, the appointment of which is hereby requested.

The President appointed Messrs. Humphrey, Waymire, and Garrison, as a committee on the part of the Council, on

H. B. 34. A bill to lay out the judicial districts of Oregon.

H. B. 75. A bill to incorporate the Rockville canal company,

Was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time and,

On motion of same,

Said bill was referred to a select committee of three.

The President appointed Messrs. Lovejoy, Scott, and Waymire, as said committee.

Mr. Lovejoy moved to instruct the committee to so amend the bill as to give the company until December, 1854, to complete their works,

Which was agreed to.

Mr. Waymire moved to reconsider the vote on

H. B. 29. A bill to provide for the election of Notaries Public,

Which was agreed to.

Mr. Waymire offered the following amendment to said H. B. 29:

Strike out 1st section and substitute as follows:

That Alonzo M. Poe, of Thurston county, David S. Maynard, of King county, John M. Chapman, of Pierce county, Richard H. Lansdale, of Island county, and Alfred A. Plummer, of Jefferson, be and are hereby appointed and constituted Notaries Public, in and for their respective counties, to hold their office for one year, and until their successors are appointed and qualified; and that the Governor of this Territory is hereby authorized to fill vacancies in the office of Notaries Public, when the same shall occur, and appoint

Notaries Public for the different counties in this Territory, as occasion may require, and that Adam Vandusen be and is hereby appointed Notary Public in and for the county of Clatsop, James Scudder, in and for the county of Pacific.

Which was read a first time, and
On motion of Mr. Waymire,
The rules were suspended, and said amendment was read a second time, whereupon,
Mr. Lovejoy moved to amend by inserting after the word "Pacific" the name of Septimus Huelat, of Clackamas county, and Wm. M. King, of Washington county,
Which was agreed to.
Mr. Waymire offered the following amendment, to-wit:

First amendment—Strike out section 11.
Second amendment—Section 12, 17th line, strike out the word "including" and insert the word "besides."

Which was agreed to.
The question being, "Shall the bill pass?"
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said bill—
H. B. 29. A bill to provide for the election of Notaries Public,
Was passed.
H. B. 30. A bill to authorize J. K. Lamrick and others, to build a plank road through the canyon,
Was taken up from the table, and
On motion of Mr. Lovejoy,
The rules were suspended and said bill was read a second time and,
On motion of same,
Said bill was referred to a select committee of three.
The President appointed Messrs. Lovejoy, Scott, and Humphrey, as said committee.
H. B. 109. A bill to change the name of Salem,
Was taken up from the table, and
On motion of Mr. Garrison,
The rules were suspended and said bill was read a second time and,
On motion of same,
The word "Chemeketa" was struck out, and,

On motion of same,

Said bill was ordered to be read a third time on the fourth day of July next.

On motion of Mr. Waymire,

The Council adjourned until at 10 A. M. to-morrow.

TUESDAY, FEB. 1, 1853—10, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott Waymire, and Mr. President.

Absent—Mr. Hall.

The journal of yesterday was read and approved.

Mr. Phelps, from the committee on engrossed bills, report

C. B. 42. A bill relative to divorces, alimony, and other purposes, As truly engrossed.

Mr. Lovejoy, from a select committee, to whom was referred

H. B. 30. A bill to authorize J. K. Lamrick and others, to construct a plank road through the canyon,

Made the following report, to-wit:

The special committee, to whom was referred the bill authorizing certain persons to construct a plank road through the canyon and for other purposes, would respectfully recommend the following amendments: In the 5th section, 4th line, strike out the word "northern" and insert the word "southern," and in 7th section, 10th line, after the word "animal" insert "100 cents" in lieu of "50 cents," and in 11th line of said section, after the words "cattle, horses," "50," in same section, after the words "calves or hogs," insert "25 cents." And the 14th section of said bill, after the words "stock invested," in the sixth line, strike out the words "the Legislative Assembly," and insert in lieu thereof "the county commissioners of Douglas and Jackson counties, respectively," and add another section, as follows:

That the said company shall have the right to take from the lands in the vicinity of said plank road, all such materials of earth, stone, or wood, as may be necessary or convenient, from time to time, for the constructing and repair of said road as, in their judgment, deemed proper and fit; *Provided, however*, that if said company shall deem it proper and fit to take any materials that shall belong to individuals, the said company shall pay to such individuals a fair compensation thereof.

On motion of Mr. Lovejoy,
Said report was adopted.

Mr. Humphrey, from the committee of conference, to whom was referred
H. B. 34, A bill to lay out the judicial districts of Oregon, to-wit:

The committee of conference that were appointed to consider the difference between the two Houses on the Council amendments to H. B. 34, would report that they have agreed to recommend that in third line of section nine, the word "December" be struck out and "second Monday in November" inserted, and that the House concur in such Council amendments as have not been concurred in.

Which was read, and
The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.

Those who voted in the negative are
Mr. Lovejoy—1.

Absent—Mr. Hall.

So said report was adopted.

Mr. Lovejoy, from the select committee, to whom was referred
H. B. 75. A bill to incorporate the Rockville canal company, to-wit:

The special committee, to whom was referred the bill—
A bill to incorporate the Rockville canal company,
Would respectfully recommend the following amendments: In section 9th, alter the time for completion of said work and extend the same until December, 1854, and add the following section:
That nothing in this act shall be so construed as in any way to affect private rights other than for the purpose of navigation, contemplated by this act.

On motion of Mr. Lovejoy,
Said report was adopted.

Mr. Phelps from the select committee to whom was referred
H. B. 26. A bill to locate a territorial road from Fort Boise to the Willamette Valley, to wit:
The select committee to whom was referred
H. B. 26. An act to locate a territorial road from Fort Boise to Willamette Valley,

Beg leave to report the bill back to the Council, with a recommendation that it do not pass.

On motion of Mr. Waymire,

Said report was adopted.

H. B. 107. A bill amendatory to an act entitled an act to provide for collecting and assessing revenue,

Was read a second time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

The negative—none.

Absent—Mr. Hall.

So said bill—

H. B. 107. A bill to amend an act entitled an act to provide for collecting and assessing revenue,

Was passed.

H. B. 85. A bill to locate a territorial road from Winchester to Jacksonville,

Was read a second time, and,

On motion of Mr. Scott,

The rules were suspended and said bill was read a third time, and,

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Hall.

So said bill—

H. B. 85. A bill to locate a territorial road from Winchester to Jacksonville,

Was passed.

H. B. 62. A bill to provide for the holding of courts by either of the district judges of the Territory,

Was read a second time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a third time, and,

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Mr. Lovejoy—1.

Those who voted in the negative are
Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.
Absent—Mr. Hall.

So said bill was lost.
H. B. 102. A bill for the relief of Clark county,
Was read a second time, and,
On motion of Mr. Waymire,
Said bill was laid on the table.
H. B. 59. A bill to amend an act entitled an act to define crimes and misdemeanors,
Was read a second time, and,
On motion of Mr. Garrison,
The rules were suspended and said bill was read a third time, and
The yeas and nays being demanded by Mr. Waymire, resulted as follows:
Those who voted in the affirmative are,
Messrs. Garrison, Humphrey, Lovejoy, and Waymire—4.

Those who voted in the negative are
Messrs. Phelps, Scott, and Mr. President—3.

So said bill—
H. B. 59. A bill to amend an act entitled an act defining crimes and misdemeanors,
Was passed.
C. B. 42. A bill relative to divorce, alimony, and other purposes,
Was passed.
H. B. 30. A bill to authorize J. K. Lamrick and others to construct a plank road through the Canyon,
Was read a third time, and
On motion of Mr. Lovejoy,
The words "county commissioners of Douglas and Jackson counties" was stricken out.
The question being, "Shall the bill pass?"
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Mr. Lovejoy—1.

Those who voted in the negative are
Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President—6.
Absent—Mr. Hall.

So said bill—

H. B. 30. A bill to authorize J. K. Lamrick and others to construct a plank road through the Canyon,

Was lost.

On motion of Mr. Lovejoy,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

Mr. Deady on leave introduced a bill—

C. B. 44. A bill to lay out the judicial districts of Oregon Territory,

Which was read a first time, and,

On motion of Mr. Lovejoy,

The rules were suspended and said bill was read a second time, and,

On motion of same,

The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Lovejoy, Scott, Waymire, and Mr. President—5.

Those who voted in the negative are

Messrs. Garrison and Phelps—2.

Absent—Mr. Hall.

So said bill—

C. B. 44. A bill to lay out the judicial districts of Oregon Territory,

Was passed.

Mr. Lovejoy, from the judiciary committee, to whom was referred

H. B —. A bill to authorize the Surveyor General to summon witnesses,

Reported as follows: The judiciary committee, to whom was referred the bill to authorize the Surveyor General to summon witnesses in certain cases, beg leave to recommend said bill back to the Council without amendment.

Mr. Waymire on leave introduced a bill—

C. B. 45. A bill to divorce Wilson H. Fisher from his wife, Lucinda Fisher,

Was read a first time, and,

On motion of Mr. Garrison,

The rules were suspended and said bill was read a second time, and,

On motion of Mr. Lovejoy,

The rules were further suspended, and said bill was read a third time, and,

The yeas and nay, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, and Waymire—4.
Those who voted in the negative are
Messrs. Phelps, Scott, and Mr. President—3.

Said bill—

C. B. 45. A bill to divorce Wilson H. Fisher from his wife, Lucinda Fisher,

Was passed.

H. B. 116. An act supplementary to an act on roads and highways,

Was taken up, when,

On motion of Mr. Garrison,

Said bill was referred to a select committee of one.

The President appointed Mr. Garrison as said committee.

H. B. 115. An act supplementary to an act defining the duties of supervisors,

Was read a third time, and

The yeas and nays, being demanded by Mr Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Phelps, and Mr. President—4.
Those who voted in the negative are
Messrs. Lovejoy, Scott, and Waymire—3.
Absent—Mr. Hall.

So said bill was passed.

H. B. 87. A bill to authorize the counties of Island, &c., to levy a road tax,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Waymire, and Mr. President—4.
Those who voted in the negative are
Messrs. Lovejoy, Phelps, and Scott—3.
Absent—Mr. Hall.

So said bill passed.

H. B. 104. A bill to amend an act regulating ferries, passed September 27, 1849,

Was read a third time, and,

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Lovejoy, Scott, Waymire and Mr. President—5.

Those who voted in the negative are
Messrs. Humphrey and Phelps—2.

Absent—Mr. Hall.

So said bill was passed.

H. B. 91. A bill to amend an act to incorporate the Umpqua, Rogue River, and Klamath bridge company,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Humphrey and Lovejoy—2.

Those who voted in the negative are
Messrs. Garrison, Phelps, Scott, Waymire, and Mr. President—5.

Absent—Mr. Hall.

So said bill was lost.

C. B. 42. A bill to regulate the pay of locating county and territorial roads,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are,
Messrs. Garrison, Humphrey, Lovejoy, and Waymire—4.

Those who voted in the negative are
Messrs. Phelps, Scott, and Mr. President—3.

Absent—Mr. Hall.

So said bill was passed.

H. B. 75. A bill incorporating the Rockville canal company,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, and Scott—5.

Those who voted in the negative are
Messrs. Waymire and Mr. President—2.

Absent—Mr. Hall.

So said bill was passed.

H. B. 116. A bill to amend an act on roads and highways,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, and Waymire—6.

Those who voted in the negative are
Mr. President—1.

Absent—Mr. Hall.

So said bill was passed.

H. B. —. A bill to regulate the descent of estate,

Was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, and Scott—5.

Those who voted in the negative are
Messrs. Waymire and Mr. President—2.

Absent—Mr. Hall.

So said bill was passed.

A call of the Council was made, and,

On motion of Mr. Lovejoy,

The sergeat-at-arms was directed to bring in Mr. Hall.

Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying resolution—

H. J. R. 35. In relation to instructing our Delegate to procure an appropriation of $40,000 to establish a marine hospital;

And it is herewith transmitted to the Council and concurrence requested.

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying bills, to wit:

H. B. 28. A bill to regulate the weight of grain;

H. B. 103. A bill to repeal Des Shutes ferry charter;

H. B. 81. A bill to define the boundary of Lewis county;

H. B. 14. An act to provide for the removal of county-seats;
H. B. 35. An act concerning divorces; and
H. J. R. 20. In relation to account of Levi Rice;
And they are herewith transmitted to the Council, and concurrence requested.

Also, that the House has passed
C. J. R. —. In relation to the Library,
With accompanying amendments, and the concurrence of the Council requested.

Also, that the House refuse to read C. B. 39. An act to ascertain the southern boundary line of Oregon, a third time;
And it is herewith transmitted to the Council, where it originated.

H. J. R. —. In relation to the Library,
Was read, and,
On motion of Mr. Lovejoy,
The Council refused to concur in House amendment to said resolution.

H. B. 28. A bill to regulate the weight of grain,
Was read a first time, and,
On motion of Mr. Garrison,
The rules were suspended and said bill was read a second time, and
Mr. Phelps moved to strike out "fifty-two pounds" and insert "fifty-six pounds."
Agreed to.
Mr. Waymire moved to insert "potatoes, at sixty pounds."
Agreed to.
On motion of Mr. Humphrey,
The rules were further suspended and said bill was read a third time and passed.

A message from the House by their clerk, Mr. White:

Mr. President:—I am directed by the Speaker to inform you that the House has adopted the accompanying resolution—
H. J. R. 38. In relation to an orphan asylum;
And it is herewith transmitted to the Council, and concurrence requested.

H. J. R. 38. In relation to an orphan asylum,
Was read.
On motion of Mr. Lovejoy,
The words "seat of government" was stricken out, and
On motion of Mr. Waymire,
The blank was filled with the words "Polk county."
The resolution, as amended, was adopted.
H. B. 103. A bill to repeal the Des Shutes ferry charter,
Was read a first time, and,
On motion of Mr. Lovejoy,
The rules were suspended and said bill was read a second time, and,

On motion of Mr. Lovejoy,
The rules were further suspended and said bill was read a third time, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.
Absent—Mr. Hall.

So said bill was passed.
H. J. R. 20. In relation to Cayuse war claims,
Was read a first time, and,
On motion of Mr. Lovejoy,
The rules were suspended and said bill was read a second time and,
On motion of same,
The rules were further suspended and said bill was read a third time and lost.
Messages from the House, by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House has concurred with the Council in the passage of the accompanying bill—
C. B. 44. An act to define the judicial districts of Oregon.
And it is herewith transmitted to the Council, where it originated, for enrollment.

Mr. President: I am directed by the Speaker to inform you that the House have refused to adopt the report of the conference committee, to whom had been referrred the Council amendment to
H. B. 34. A bill to lay out and define the judicial districts of the Territory.

H. J. R. 35. In relation to a marine hospital.
On motion of Mr. Lovejoy,
Said resolution was adopted.
H. B. 81. A bill to define the boundaries of Lewis county,
Was read a first time, and,
On motion of Mr. Lovejoy,
The rules were suspended and said bill was read a second time, and,
On motion of Mr. Garrison,
The rules were further suspended and said bill was read a third time and passed.
H. B. 93. A bill to repeal Stephens' ferry charter,
Was taken up, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Waymire, and Mr. President—3.

Those who voted in the negative are
Messrs. Humphrey, Lovejoy, Phelps, and Scott—4.
Absent—Mr. Hall.

So said bill was lost.

H. B. 35. A bill concerning divorces,
Was read a first time, and,
On motion of Mr. Lovejoy,
Said bill was laid upon the table.

H. B. 114. A bill to provide for the removal of county-seats,
Was read a first time, and,
On motion of Mr. Phelps,
The rules were suspended and said bill was read a second time, and,
On motion of same,
Said bill was referred to a select committee of two.

The President appointed Messrs. Phelps and Humphrey as said committee.

A message from the House, by their clerk, Mr White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has adopted the accompanying resolution; and it is herewith transmitted, and compliance requested.

H. J. R. —. In relation to printing C. B. 44. A bill to lay out the judicial districts of Oregon.

On motion of Mr. Phelps,
The words "five hundred" were struck out, and "three hundred" inserted.

On motion of Mr. Waymire,
The resolution, as amended, was adopted.

On motion of Mr. Waymire,
The Council adjourned until 7 P. M.

EVENING SESSION—7 P. M.

The Council met pursuant to adjournment.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker to inform you that the House has passed the accompanying resolution—

H. J. R. 27. In relation to a military road from Puget Sound to Goose Lake;

Also, the accompanying memorial in relation to a railroad from Mississippi River to some point on the Pacific Ocean. Also,

H. J. R. 32. In relation to the removal of troops from Vancouver;

And they are herewith transmitted, and concurrence requested.

H. J. R. 32. In relation to removing the troops from Vancouver,
Was read, and
On motion of Mr. Lovejoy,
The sergeant-at-arms was directed to bring Mr. Garrison in.
Mr. Waymire moved to amend said H. J. R. 34, to wit:

And that our Delegate in Congress be requested to use his influence to obtain an appropriation of five thousand dollars for a territorial library, to supply the deficiency of books lost out of said library, whilst it was at Oregon City, and under the control of Governor Gaines and Librarians of his appointment.

Which was agreed to.
So the resolution, as amended, was adopted.
H. J. R. 27. In relation to a military road from Puget Sound to Goose Lake,
Was adopted.
House memorial in relation to a railroad from Mississippi River to some point on the Pacific coast, was read, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.
Absent—Mr. Hall.

So the memorial was passed.
On motion of Mr. Lovejoy,
The vote on H. B. —. A bill to regulate the title to property by descent, was re-considered.
Mr. Waymire moved that said bill be indefinitely postponed;
Which was agreed to.
H. B. 78. A bill to authorize the Surveyor General to summon witnesses,
Was taken up, and
The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are.
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.
Absent—Mr. Hall.

So said bill was lost.

Mr. Phelps, from the select committee to whom was referred H. B. 14, made the following report, to wit:

The select committee to whom was referred H. B. 14, submit the following report: Your committee deem the provisions of this bill, to a great degree, inapplicable to the condition of things in Oregon, and uncalled for by the people; they therefore recommend that it do not pass to a law.

Which was read.

On motion of Mr. Waymire,

Said report was adopted.

Messages from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House concur in Council amendment to

H. B. 70. An act to incorporate the City of Portland.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House concur with the Council in the adoption of Council amendment to

H. B. 75. A bill to incorporate the Rockville canal company.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has indefinitely postponed

C. B. 38. An act for the redemption of real estate;

And have rejected

C. B. —. A bill to regulate the pay of locating territorial roads,

And they are herewith transmitted to the Council, where they originated.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

C. B. 42. A bill relative to divorce, alimony, and for other purposes,

With accompanying amendment, and it is herewith transmitted to the Council and concurrence requested. Also,

H. B. 121. A bill making appropriations for expenses of the Legislative Assembly,

And it is herewith transmitted to the Council and concurrence requested.

C. B. 42. A bill relative to divorces, alimony, and for other purposes,

With House amendment, by a substitute, for the original bill, when,

Mr. Waymire moved to strike out the word "six months" and insert "one year,"

Which was not agreed to.

Mr. Waymire moved in 5th specification, 2d line, strike out the words "one year" and insert "two years,"

Which was agreed to.

Mr. Waymire moved to strike out the 9th specification,

Which was not agreed to.

Mr. Lovejoy moved to strike out 10th specification,

Which was agreed to.

The question being, "Shall the bill pass, as amended?"

The yeas and nays being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Phelps, Scott, and Mr. President—5.

Those who voted in the negative are
Messrs. Lovejoy and Waymire—2.

Absent—Mr. Hall.

So said bill—

C. B. 42. A bill relative to divorces, alimony, and for other purposes,

As amended, was passed.

On motion of Mr. Lovejoy,

The Council adjourned until 10, A. M. to-morrow.

WEDNESDAY, FEB. 2, 1853—10 A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President.

The journal of yesterday was read and approved.

Mr. Lovejoy, from the committee on enrolled bills, reported as follows:

The enrolling committee, would report that House bills Nos. 73, 71, 101, 94, 96, 76, 60, 82, 53, 32, 84, 56, 96, 38, 80, 78, 40, 67, 79, 105, 108, 95, 43, and H. J. R. No. 33, have been truly enrolled.

Mr. Waymire offered the following resolution (C. R. —):

Resolved by the Council, That the Secretary of the Territory be and he is hereby authorized and requested to pay the sergeant-at-arms of the Council the sum of fifty dollars, for amount paid by him for cleaning hall, carrying wood, &c.

On motion of Mr. Waymire,
Said resolution was adopted.

H. B. 121. A bill making appropriation for expenses of the Legislative Assembly,
Was read a first time, and,
On motion of Mr. Lovejoy,
The rules were suspended and said bill was read a second time, and,
On motion of Mr. Waymire,
The rules were further suspended and said bill was read a third time, and

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Hall, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

In the negative—none.

Absent—Mr. Humphrey.

So said bill—
H. B. 121. A bill making appropriation for the expenses of the Legislative Assembly,
Was passed.
A message from the House, by their clerk, Mr White:

Mr. President: I am directed by the Speaker to inform you that the House has passed the accompanying resolution—
H. J. R. 40. In relation to Capt. John C. Ross;
And they are herewith transmitted to the Council, and concurrence requested.
H. J. R. 40. In relation to Capt. John C. Ross.
On motion of Mr. Waymire,
Said resolution was adopted.
A message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that the House concur with the Council in the adoption of
C. J. R. 20. In relation to the line between Oregon and California;
And it is herewith transmitted to the Council for enrollment.
Also, that the House insist upon their amendment to joint resolution to Congress relative to the Library; and it is herewith transmitted to the Council, where it originated.

Mr. Lovejoy moved that the Council insist on their disagreement to House amendment to
C. J. R. —. In relation to the Library;
Which was agreed to.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House refuse to concur with the Council in Council amendments to

H. J. R. 38. In relation to the troops at Vancoover.

Also, that the House refuse to pass

C. B. 32. A bill to repeal certain laws;

And refuse to concur in the adoption of

C. J. R. 10. In relation to the memorial passed at the last session;

And the same are herewith transmitted to the Council.

A call of the Council was made.

Mr. Humphrey appeared.

Mr. Lovejoy moved that the Council insist upon their amendments to

H. J. R. 38. In relation to the troops at Vancouver.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are

Messrs. Humphrey, Lovejoy, Scott, Waymire and Mr. President—5.

Those who voted in the negative are

Messrs. Garrison, Hall, and Phelps—3.

So said motion was agreed to.

Messages from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that the House concur in Council amendments to House amendments to

C. B. 42. A bill relative to divorces, alimony, and other purposes;

And the same is herewith transmitted to the Council, where it originated, for enrollment.

MR. PRESIDENT: I am directed by the Speaker to inform you that the House has passed the accompanying bill—

H. B. 83. An act amendatory to an act to regulate the proceedings in the supreme court;

And it is herewith transmitted to the Council, and concurrence requested.

H. B. 83. An act amendatory to an act entitled an act to regulate the proceedings in the supreme court,

Was read a first time, and

Mr. Garrison moved that the rules be suspended, and that said bill be read a second time,

Which was not agreed to.

A message from the House, by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bills, to wit: H. B. 38, 96, 55, 96, 110, 56; and they are herewith transmitted to the Council, for your signature.

The President announced that he had signed the following bills:

H. B. 38. An act to amend an act authorizing S. & J. B. Hall to open and keep in repair a wagon road across the Cascade Mountains;

H. B. 96. An act for a territorial road from Albany, to intersect a territorial road from Oregon City to Spores';

H. B. 55. An act to locate a territorial road from Spores' ferry to Umpqua Valley;

H. B. 96. An act supplemental to an act creating the office of commissioner to sell the public land for a university;

H. B. 110. An act to appoint officers for Jackson county;

H. B. 56. An act to prevent fraudulent conveyances.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker to inform you that he has signed the accompanying bills; H. B. Nos. 71, 84, 43, 76, 95, 79, 101, 32, 82, 78, 6, 73, 94, 108, 84, 103, and H. J. R. 33 and 34; and they are herewith transmitted for your signature.

The President announced that he had signed the following bills:

H. B. 105. An act supplementary to an act to regulate the treasury department;

H. B. 84. A bill to incorporate the First Methodist Episcopal Church of the city of Portland;

H. B. 108. A bill making appropriations for expenses of the Legislative Assembly;

H. B. 94. An act to amend an act to provide for the location of two townships of land to aid in the establishment of a university;

H. B. 6. An act to amend an act to create and organize Pacific county;

H. B. 82. An act authorizing county commissioners to sell lands for the benefit of county-seats;

H. B. 76. An act to create the office of wreck-master, and define his duties;

H. B. 43. An act to incorporate the Willamette Falls canal, milling, and transportation company;

H. B. 73. An act to guard against accidents on the Columbia and Willamette rivers during the night season;

H. B. 32. An act to prohibit lotteries;

H. B. 84. An act to amend an act to incorporate literary and religious societies;

H. B. 101. An act to locate a territorial road;

H. B. 78. An act to locate a territorial road from Salem to Theodore Prather's, in Polk county;

H. B. 71. An act to prevent the discharge of ballast in navigable waters of this Territory;

H. B. 79. An act to provide for taking of the census;

H. B. 95. An act to locate a territorial road; and

H. J. R. 34. Relative to making St. Helens a port of delivery;

H. J. R. 33. Relative to making Shoal Water Bay a port of delivery.

On motion of Mr. Lovejoy,

The Council adjourned until 2, P. M.

AFTERNOON SESSION—2, P. M.

The Council met pursuant to adjournment.

Mr. Phelps, from the committee on education, made a report,

Which was read.

[See Appendix.]

On motion of Mr. Waymire,

Said report was adopted.

Mr. Lovejoy moved that fifty copies of said report be ordered printed,

Which was agreed to.

Mr. Lovejoy, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills would beg leave to make the following report: That C. B. Nos. 3, 19, 21, 31, 34, 36, 37, and C. J. R. 19, as truly enrolled.

Mr. Lovejoy, from the committee on enrolled bills, made the following report:

The joint committee on enrolled bills report the following bills truly enrolled: H. B. Nos. 115, 116, 111, 103, 29, 85, 28, 104, 81, and House resolution asking Congress for an appropriation to defray the expenses of the Cayuse war, accompanying the report of the commissioner on Cayuse war claims, and H. J. R. Nos. 37, 27, and 36; also, H. B. 107.

On motion of Mr. Hall,

The Council resolved itself into a committee of the whole on

H. J. R. 17. Relative to the pay of T. H. Smith,

Mr. Phelps in the chair.

After some time spent therein, the committee rose and the President resumed the chair, and Mr. Phelps reported that the committee

of the whole, having had under consideration H. J. R. 17, report the same back to the Council with a recommendation that it do not pass.

Mr. Waymire moved that the report of the committee of the whole be adopted.

The yeas and nays, being demanded by Mr. Waymire, resulted as follows:

Those who voted in the affirmative are
Messrs. Garrison, Humphrey, Lovejoy, Phelps, Scott, Waymire, and Mr. President—7.

Those who voted in the negative are
Mr. Hall—1.

So said report was adopted.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bills, to wit:

H. B. 40. An act supplementary to an act entitled an act to provide for the selection of places for the location and erection of the public buildings of the Territory of Oregon;

H. B. 28. An act to regulate the weight of grain;

H. B. 104. An act to amend an act regulating ferries;

H. B. 83. An act to define the boundaries of Lewis county;

H. B. 107. An act to amend an act entitled an act to provide for assessing and collecting territorial and county revenue;

H. B. 113. An act to provide for the appointment of two justices of the peace for Clackamas county;

H. B. 111. An act to authorize Wm. T. Newby to turn the water out of Baker's Creek;

H. B. 85. An act to locate a territorial road from Winchester to Jacksonville;

H. B. 103. An act to repeal Des Shutes ferry charter;

H. B. 116. An act supplementary to an act on roads and highways,

H. B. 67. An act relative to common schools;

H. B. 115. An act supplementary to an act defining the duties of supervisors;

H. B. 34. An act appointing notaries public;

H. J. R. 27. In relation to a military road from Puget Sound to Goose Lake;

H. J. R. 36. Concerning insane hospital;

H. J. R. 37. Concerning an appropriation of land for improving rivers;

And the report of the Cayuse war commissioner;

And they are herewith transmitted to the Council, for your signature.

Mr. Lovejoy, from the committee on enrolled bills, reported as follows:

The joint committee on enrolled bills beg leave to report that C. B. 42, 44, and C. J. R. 20, as truly enrolled.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker to inform you that he has signed the accompanying bills, to wit: C. B. 3, 19, 21, 31, 34, 36, 37, and C. J. R. 19; and they are herewith transmitted to the Council, for your signature.

Mr. Lovejoy, from the committee on enrolled bills, reported as follows:

The enrolling committee would report that H. B. 87, 121, 59, and 75, also H. J. R. 35, have been truly enrolled.

The President announced that he had signed the following bills, to wit:

H. B. 40. An act supplementary to an act entitled an act to provide for the selection of places for the location and erection of the public buildings of the Territory of Oregon;

H. B. 28. An act to regulate the weight of grain;

H. B. 104. An act to amend an act to regulate ferries;

H. B. 83. An act to define the boundary of Lewis county;

H. B. 107. An act to amend an act entitled an act to provide for assessing and collecting territorial and county revenue;

H. B. 113. An act to provide for the appointment of two justices of the peace for Clackamas county;

H. B. 111. An act to authorize Wm. T. Newby to turn the water out of Baker's Creek;

H. B. 85. An act to locate a territorial road from Winchester to Jacksonville;

H. B. 103. An act to repeal the Des Shutes ferry charter;

H. B. 116. An act to amend an act on roads and highways;

H. B. 67. An act relative to commom schools;

H. B. 115. An act supplementary to an act entitled an act defining the duties of supervisors;

H. B. 34. An act appointing notaries public;

H. J. R. 27. In relation to a military road from Puget Sound to Goose Lake;

H. J. R. 36. Concerning insane hospital;

H. J. R. 37. Concerning an appropriation of land for improving rivers;

Also, the report of the Cayuse war commissioner.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that

he has signed the accompanying bills: C. B. 42, 44, and C. J. R. 20; and they are herewith transmitted to the Council for your signature.

The President announced that he had signed the following bills:

C. B. 36. An act for the relief of Robert Moore;

C. B. 31. An act for the relief of Washington county;

C. B. 37. An act to create the office of county auditor;

C. B. 19. An act to establish a probate court and define its duties and powers;

C. B. 3. An act for the relief of Polk and Benton counties;

C. B. 42. An act in relation to divorces, alimony, and other purposes;

C. B. 21. A bill to create and regulate the office of prosecuting attorney;

C. B. 44. An act to define the judicial districts of Oregon;

C. B. 34. A bill to divorce Susan from Matthias Marvin, her husband;

C. J. R. 19. Relative to adjournment; and

C. J. R. 20. Relative to the line between Oregon and California.

On motion of Mr. Waymire,

The Council took a recess for half hour.

The President called the Council to order.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT: I am directed by the Speaker to inform you that he has signed the accompanying bills: H. B. 121, 59, 87, 75, and H. J. R. 35; and they are herewith transmitted for your signature.

The President announced that he had signed the following bills:

H. B. 121. An act making appropriation for expenses of the Legislative Assembly;

H. B. 59. An act to amend an act to define crimes and misdemeanors;

H. B. 87. A bill to authorize the counties of Lewis, Thurston, &c., to levy a road tax;

H. B. 75. An act to incorporate the Rockville canal company;

H. J. R. 35. Relative to a marine hospital.

On motion of Mr. Lovejoy,

The Council adjourned until 7 P. M.

EVENING SESSION—7 P. M.

The Council met pursuant to adjournment.

Mr. Lovejoy, from the committee on enrolled bills, reported as follows:

The enrolling committee would report that H. B. 99 and H. B. 70, and H. M., have been truly enrolled.

message from the House by their clerk, Mr. White:

Mr. President: I am directed by the Speaker to inform you that he has signed the accompanying bills, to-wit:

H B. 99, H. B. 70, and H. M. in relation to the railroad from the Atlantic to the Pacific Ocean;

And they are herewith transmitted to the Council for your signature.

The President announced that he had signed the following bills:

H. B. 99. An act to amend an act regulating fees and costs;

H. B. 70. An act to incorporate the city of Portland;

H. M. Relative to a railroad from the Atlantic to the Pacific Ocean.

On motion of Mr. Waymire,

The Council adjourned until 6 1-2, A. M., to-morrow.

THURSDAY, Feb. 3, 1853—6 1-2, A. M.

The Council met pursuant to adjournment.

Present—Messrs. Garrison, Humphrey, Phelps, Scott, Waymire, and Mr. President.

Absent—Messrs. Hall, and Lovejoy.

The journal of yesterday was read and approved.

Mr. Waymire offered the following C. R. 4:

Resolved, That the thanks of this Council be presented to the Hon. M. P. Deady, for the able, impartial, and dignified manner in which he has presided over its deliberations, and performed the arduous and important duties as President of the Council.

On motion of Mr. Garrison,

Said resolution was adopted.

Mr. Waymire offered the following C. R. 5:

Resolved by the Council, That the officers of the Council are entitled to a vote of thanks for the faithful and diligent discharge of their several duties as officers of this body.

On motion of Mr. Garrison,

Said resolution was adopted.

The chief clerk was directed to inform the House that the Council are now ready to adjourn *sine die*.

A message from the House by their clerk, Mr. White:

MR. PRESIDENT:—I am directed by the Speaker of the House to inform you that the House have no further business to transact and are now ready to adjourn *sine die*, at 7 o'clock, A. M.

Mr. Phelps moved that the Council now adjourn *sine die*,

Which motion was agreed to.

Whereupon, the President arose and addressed the Council as follows:

GENTLEMEN OF THE COUNCIL:—

The time has arrived when we are about to seperate and return to our constituents. Nothing now remains to me of my official labors but to pronounce this Council adjourned *sine die*. For the last two months, according to the theory of our government, we have been expressing the voice of our several constituencies, upon the various public questions that have passed before us. In a few moments, that power will, by the silent operation of our constitution, peaceably and quietly return to the hands of people from whence it came. Our labors have been protracted for a longer period than any of our predecessors. During that time, it has been our fortune, in the independent and honest exercise of that right that belongs to us, to have seriously differed with the other branch of this Assembly, upon some measures involving the dearest interests of the people of this Territory. It would not become me, upon this occasion, to refer in detail to those matters, or to the clamors of a few unprincipled demagogues who have fruitlessly attempted to swerve you from what you deemed the path of duty, by such means as will sooner or later recoil upon their own heads. Private griefs, prejudices, and passions soon pass away, and seldom extend beyond their own generation, but the records will remain to posterity, and they will judge between you and your calumniators. From this tribunal there is no appeal, and I trust and feel that from it you have nothing to fear. This is the third session that I have been a member of this body, and I am gratified to say that during that time I have been uniformly treated with kindness and attention by all its members. We are few in number and each is personally known to the other, and however widely we may hereafter be seperated on the stage of human action, I hope that our intercourse here will be remembered as a pleasant chapter in the book of memory by each one of us. Called by your suffrages, at the extra session, to preside over your deliberations, I accepted the position with distrust of myself. It is under all circumstances a delicate situation, but I have felt it particularly so in my case, surrounded as I am, and have been, by men so much my superiors in age and experience. In the decision of all questions of order and management of business, I have endeavored, so far as human imperfections will permit, to forget my own feelings and predilections, and impartially

decide the one, and promote the other. No doubt I have committed errors, but if so, I believe they were unintentional, and promptly rectified whenever discovered. No appeals have been taken from my decisions. In this I recognize another evidence of your constant disposition to aid and assist me in the preservation of order and the speedy and harmonious disposal of business.

I cannot, upon this occasion, pass without notice, the resolutions of thanks and approval your partiality has spread upon the journal. For it you have my sincere thanks. When I reflect upon it, I feel more than compensated for all the additional labor and responsibility that the position has brought upon me. Whilst here, I have felt the breath of detraction from those who acknowledge no name and dare not be identified; but I can well afford to let it pass by with indifference, so long as this testimonial of your high regard shall remain among the records of this body. And now, gentlemen, accept my warmest wishes for your future welfare and happiness. When you return to your homes, may you receive the approval of your constituents—may you live to see our beloved country continue to grow in wealth and population until she shall be entitled to take her stand among the independent States of the American Union; and when in the course of nature, your spirits shall have passed away from this scene of action, and your gray hairs be laid beneath the green sward, may each of you leave behind a name and a memory that posterity shall delight to honor.

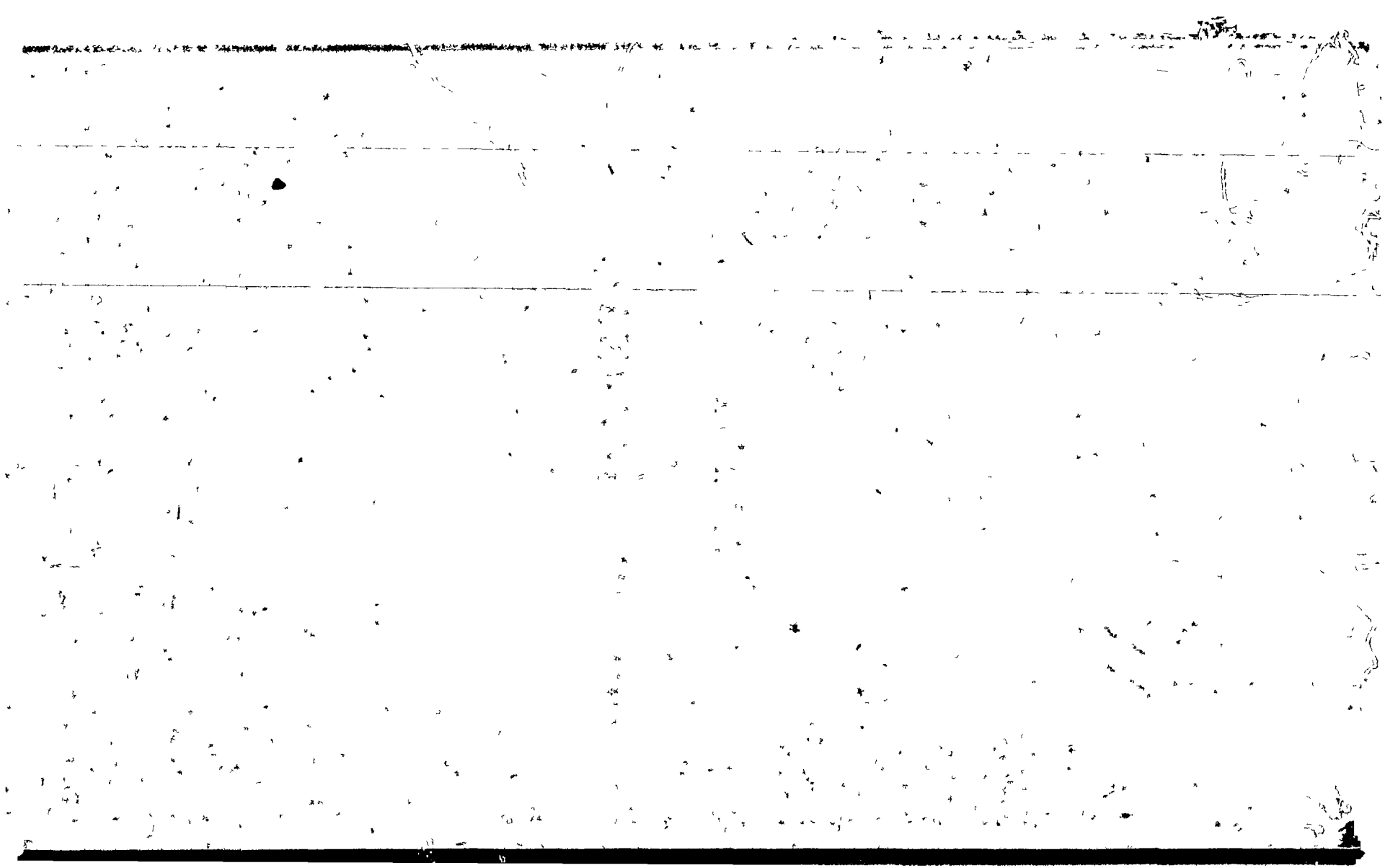
The President then announced that the Council was adjourned *sine die*.

M. P. DEADY,
President of the Council.

APPENDIX

TO THE

COUNCIL JOURNAL.



LIBRARIAN'S REPORT.

To the Honorable Legislative Assembly of Oregon Territory:

In pursuance of a Joint Resolution, passed by the Legislative Assembly, December 8th, 1852, requiring a report of me concerning the Library, I beg leave to submit the following:

The result of the first attempt I made to get possession of the Territorial Library, has once been reported at length to the Assembly. It is sufficient to say here that the Library was detained from me until the following July.

About this time, (the first of July), I went again to Oregon City, for the purpose of removing the Library from that place to Salem, by the time the called session should be convened. I sought information from those that had been conspicuous in detaining the Library from me last winter. I could get no satisfaction. There was no person in charge—(*I suppose no person responsible*). I saw Mr. Miller, who officiated as Librarian last winter, and requested him to give me possession of the Library. He said he knew nothing about it, but told me that I would find the key above the door, and that I could go and take possession, for all he had to do. I was not willing to do so. I wanted to find the responsible person, if there was one. In order to bring about a better understanding, I addressed Mr. Miller the following note:

OREGON CITY, July 8, 1852.

MR. MILLER—

Dear Sir:—Last winter, soon after my election to the office of Librarian for the Territory of Oregon, I addressed you an official note demanding of you the Territorial Library. You refused to surrender the same, claiming to hold the same office by virtue of an appointment from the Governor. I addressed you the second. You still persisted in your refusal, contrary to law, as since has been proven. It has been suffered to remain in your hands up to this time. The matter of doubt upon which you founded your position, being settled by the Congress of the United States, I take the liberty of addressing you this note, officially, demanding of you the Library belonging to the Territory of Oregon—all books, maps, charts, and other property belonging thereto. Hoping that you will give me a decisive reply immediately,

I am, respectfully, yours,

L. J. RECTOR,
Territorial Librarian.

A. P. MILLER.

I got no reply to this, but soon met the Governor. He desired me to go to the office. I did so. He there told me that Mr. Miller had given his resignation, along with my note, and the key of the Library. He gave me the key, and told me to take possession of the Library. I did so. I could find no papers relating to the Library—no bills, no schedules, in fact, nothing that I could get a clue from to what the Library ever consisted of. This was mentioned to the Governor, Mr. Hamilton, and Mr. Miller,—neither of them could give me any satisfaction—they said they knew nothing about the concern. There is a book that was kept for the purpose of registering the names of the persons who took books from the Library, which you can see, if desirable. It gives no satisfaction.

As I packed the books for transportation, I made a catalogue (marked A) of what I found. This I send you. The same books are here, except those in use by the Assembly and the Court.

I beg leave to remark, that while I was packing the books I was unmolested, the persons, in particular, who had been acquainted with the affairs of the Library, never showed themselves. They could have rendered me considerable service, if they had been so disposed.

I received the following communication from Adams & Co. I present it for your consideration:

OFFICE ADAMS & CO.,
Portland, September 27, 1852.

MR. RECTOR—

Sir:—We beg to advise you of a box, shipped to the Librarian of Oregon Territory, now in our office here for two months. When it first arrived, we shipped it to Oregon City, where the Library then was—it was returned, the person in charge refusing to pay charges. The freight is $39, (thirty-nine dollars.) Please inform us what disposition we will make of it.

Yours truly,
ADAMS & CO.

I replied to this effect: That I had been to considerable expense for the Library; my money had not been refunded by the person whose duty it was to pay me, and that I did not feel willing to advance any more money. I suggested to them, that if they would send the box to me, along with their bill, that the Assembly would pay it. I heard no more from them. I was informed by a gentleman of this place, that the box contained books.

L. J. RECTOR,
Territorial Librarian.

CATALOGUE. (A)

REPORTS.	Vols.
Reed's,	1
Maul & Selwin's,	6
Robinson's Admirality,	6
M'Lean's,	3
Pickering's,	24
Metcalf's,	12
Petersdorf's Abridgement,	17
Massachusetts,	17
Howard's,	12
Louisiana (condensed),	4
Brockenbroug's,	2
Story's,	3
Gallison's,	2
Summers',	3
Mason's	5
Peters',	16
Durnford & East's,	4
Barrow's,	2
Douglass',	1
Cowper's,	1
East's,	8
Johnson's,	20
Johnson's Chancery,	7
English's, (30)	21
Paine's,	10
Sanford's,	2
Hopkins'	1
Edward's,	3
Barbour's,	2
Clark's,	1
Ohio,	3
Texas,	1
Minot's,	1
Blackford's,	1
Codifier's,	1
Vermont,	1
Maine,	1
Chandler's,	1
Halstead's,	1
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REPORT

Of the company who were sent out from the counties of Lane and Linn, to learn the practicability of an emigrant route from the Willamette Forks to Fort Boise, commenced the 20th of August, 1852, and lasted sixty days.

"In this we give an abridged narative of the tour — as our journal has been lost, we cannot do otherwise. First, we traveled in an easterly direction, up the middle fork of the Willamette, to near the summit of the Cascades, a distance of sixty miles. The route so far is good, as the bottoms on either side are level; the mountains coming near in several places, and in three places they run into the stream; but there is no difficulty in crossing to the other side. The crossings are good that are necessary to be made. The timber generally is small, with the exception of a hemlock flat of eight miles. The timbers are variegated, being oak, ash, maple, balm of gilead, aspen, arbovita, cedar, alder, and the firs. The grass was good on the way, as the hills are bald in many places, besides the valleys in places are prairie and prairie like, the grass being bunch grass. On this part of the route there are some stones to be removed, but none to what the conception of a stranger would fear; the stone is the basaltic and amagdaloid formations. The labor among stone will be short. The hills that we have to contend with are soily, and hills are the only obstacles as to elevation. Cutting timber will be the principal labor. The soil is good all the way to the summit, and some of the prairie will admit of settlement, and if generally known, would doubtless be filled in 1853. The facilities for water are good, as we are near the river or its tributaries, all the time.

On going to the summit, the incline is very regular; the pass is low and level, and a team could go for twenty miles, north or south, without a hindrance. There is a peak to the south, that is very sharp and elevated, which was called Macy's Peak; we estimate its height at 11,000 feet; to the north is a peak of the same height, seen from the upper Willamette valley, that we call the Diamond Peak. The lakes are numerous on the summit, some being thirty miles in circuit, and as transparent as the ocean. Some of these are the sources of the Willamette river. The soil on the summit is light, and about the lakes and smaller waters, produces the finest grass imaginable.

The timber on the summit is small, being a mountain pine; the age of each is dated with crooks that are caused by the snow falls in winter. There is no marshy ground on the summit, and but few on the way. Four ravines of that kind will have to be bridged, and eight miles west of the top, there is one body of hemlock that is dense for eight miles, and will require more labor than any part of the route.

Now we leave the top of the mountain. Traveled east down the decline of the mountain, which is only sixteen miles, passing between two important lakes; on this incline are hundreds of acres of land covered by fallen timber, caused by tornados. The descent of the east side is very fine, with scattering rock and timber. In sixteen miles we found the south fork of Deposit river, where we crossed it, about twelve miles from the head. This stream is twenty feet in width, two feet in depth, with little or no banks, and so far as we traveled on this stream, it is the same in that respect, yet, to us rather strange, there is not to be seen any indication of overflow. The grass is of the first quality on this stream, the soil is good connected with the river, but not on the uplands, which is of light soil, with groves of pine. The valley here is 25 miles wide; that is, between the Cascades and a range off to the east, that we called the Walker range. The valley is somewhat broken in the upper part, but the majority is level and will be settled before many years. We traveled down the stream to its junction with the main Des Shutes, which is 40 miles; the main river rises in the vicinity of what is known as the Three Sisters, though there are seven snow peaks instead of three; these form the Des Shutes on the east, and McKenzie, Kalipooyah and South Santiam on the west, as far as we could discover with our glass while on the summit. The Des Shutes courses in a northerly direction. Water and grass accessible at all times. From the junction, which is nearly opposite the Three Sisters, we traveled east, directly as the compass informed us, leaving the stream to the north—we traveled twenty-five miles, ten of which was through piney glades, after which we entered a large plain off to the east and south, with fine grass and scattering juniper timber, about as thick as an orchard—in this plain no water. At the end of twenty-five miles we found a small river in the prairie, without timber to mark its existence; we supposed it was a branch of the Des Shutes, and called it Surprise river.

As we were so blessedly disappointed, we traveled up this stream to the out fringes east. The hills are bald, with the exception of scattering junipers; grass good, the soil light, water comatible at all times. The plain off to the south is large and level; and from what we observed, grass, soil, water, timber and qualities requisite for settlement. The timber is on the mountains, and seems to follow the streams to the plain. We traveled along the river, route good, some sage and grease-wood commingling with grass; land rolling. From the waters of this stream we traveled east and south-east, over a broken plain, amid grass, sage, willow, aspen, &c., with water in ravines and springs from the bald hills. In our course, we came in contact with a high peak off to the right that we called King's mountain; passed at the northern base. This seems to be the southern end of the Blue mountains. The next stream we found was the Malheur river, which takes its rise in the southern part of the Blue mountains; this stream rises from warm springs with some indications of alkali. On the north, on this stream is the finest grass

I ever witnessed, either in Oregon or California. The soil places of the first quality; no timber except willow. On this stream we found a fine lake, principally to the south; we traveled on this stream forty miles, when we were surprised by Indians and had to abandon the tour. Before this, some time, we had fallen into the Meek route, which was in places easily traced. From gentlemen who were on that route, we learn that we were within sixty miles of Fort Boise, if so, we make the distance from the Upper Willamette Valley to Fort Boise, 380 miles. This route is likely, if carried into effect, to be the route to Salt Lake City, as it is in the proper direction, and if a telegraph is to connect the capital of Utah Territory, and this being a branch of the main line from St. Louis to San Francisco, this will doubtless be the best pass. We were informed by an Indian who was on his way to Klamath Lake, on a visit from the Columbia river, with his credentials from Mr. Walker Alyen, which gave us some evidence of his truthfulness, which we realized from his sayings before the end of our tour. He informed us that the pass was eighty miles from the Klamath Lake, and that he could ride from the pass to the south emigrant road northeast of the Lake in three days. He informed us that thirty miles north of the pass, at the foot of a peak, was a lake of salt water, and that all around the verge in the summer time, the salt was crustaceous. This we give as Indian sayings, nevertheless we consider them true from what we realized in other parts of the route. We found no Indians on the route that are tribes, nor any indication except on the Malheur.

The labor that is to be performed is principally from the valley to the pass, at least the labor is so small beyond, that it will not be a hindrance to the emigrant. The result of a deliberate consultation on the probable cost is three thousand dollars, to make it a fine road.

As the Journal was lost, the minutia is not given, but the report is as short as the case will allow.

WM. M. MACY,
W. T. WALKER,
WM. TANDY,
JNO. DIAMOND,
ALEX. KING,
JOS. MEADOWS,
J. CLARKE.

REPORT.

To the Legislative Assembly of the Territory of Oregon:

GENTLEMEN:—In reply to your resolution of the 8th ult., I have the honor to report that of the Laws and Journals of the session of 1850–'51, three hundred and seventy copies of the General Laws have been issued by me, as called for by the parties entitled thereto, the remainder of the edition, one hundred and thirty copies, being still on hand.

The edition of the Local Laws and Journals being a limited one, I regret to say was exhausted before a portion of the counties applied for their proportion.

I send herewith a schedule exhibiting the details of the distribution which I trust will be satisfactory.

I remain respectfully,
Your obedient servant,
E. HAMILTON, *Secretary.*

SALEM, January 25, 1853.

SCHEDULE OF THE LAWS AND JOURNALS OF THE SESSION OF 1850–'51, DISTRIBUTED.

Counties.	*Gen. Laws.*	*Journals & L. Laws.*
Benton,	15	5
Clackamas,	40	5
Clarke,	10	3
Clatsop,	15	3
Lewis,	10	5
Linn,	15	5
Lane,	10	
Marion,	25	
Pacific,	4	4
Polk,	16	
Thurston,		
Umpqua,	10	5
Washington,	37	8
Yamhill,	31	10—53
King,	10—248	
Transmitted to the Department at Washington,	7	7
Members of Assembly and officers of government and Territory,	103	38
Library,	10	
Retained by publisher,	2	2—100
On hand,	130—500	

REPORT.

To the Legislative Assembly of the Territory of Oregon:

GENTLEMEN:—I have the honor to acknowledge the receipt of your resolution of the 8th ult., requesting a report of the payments made by me on account of the Library. In reply I have to state that they are as follows:

Aaron E. Wait, Librarian, for salary and contingent expenses,	$411 00
J. D. Turner, per A. F. Royer, deputy, for salary of Librarian,	197 59
J. P. Gaines, rent of Library Room,	766 26
A. P. Miller, Librarian, for salary,	151 04
L. J. Rector, Librarian, for contingent expenses of removal,	262 00
W. H. Rector, for rent,	200 00
	$1987 89

There is due to W. T. Matlock, his account as Librarian, which has not been presented since the Library expenses were assumed. There is also due on account for contingencies to J. D. Turner, and the salary of L. J. Rector.

Respectfully,
Your obedient servant,
E. HAMILTON, *Secretary.*

SALEM, January 25, 1853.

REPORT.

SALEM, O. T., December 7, 1852.

To the Legislative Assembly of the Territory of Oregon:

The Treasurer of said Territory begs leave to submit the following report, showing the amount of money received by him, by virtue of his office as Treasurer of said Territory:

Date.	*Counties.*	*Am't. received.*
1851,	Marion,	$431 00
1852,	Marion,	400 00
1850,	Marion,	359 15
1850–'51,	Polk,	296 51
1852,	Yamhill,	94 88
1852,	Washington,	300 00
1852, Oct. 23,	Clackamas,	449 32
1852, Dec. 7,	Clackamas,	266 00
Whole amount received,		$2,596 86

AMOUNT EXPENDED DURING THE YEAR 1852, AS PER VOUCHERS FILED IN THIS OFFICE.

July 29,	Paid R. P. Boise, per order No. 19, the sum of	$300 00
July 29,	Paid Asahel Bush, per order No. 20, the sum of	75 00
Oct. 23,	Paid A. A. Skinner, per order No. 1, the sum of	163 75
Oct. 23,	Paid W. T. Matlock, per order No. 3, the sum of	260 50
		$799 25

Leaving a balance on hand this Dec. 7, 1852, of one thousand seven hundred and ninety-seven dollars and sixty-one cents, ($1797 61).

The undersigned would further report to your honorable body, that he has written to the Hon. W. W. Buck, Ex-Treasurer of the Territory, requesting him to send the books, moneys, and seal of the Territory, in his possession, to this office. But as yet, no answer has been received, although a sufficient time has elapsed since making the request. In consequence of this, your treasurer has neither books or seal in his possession, belonging to the Territory.

J. D. BOON, *Treasurer.*

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